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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23602 of 2021

1. Kala  
2. Sathya

... Petitioners

Vs.

State Rep. by  
The Inspector of Police  
Thoppur Police Station  
Dharmapuri District  
(Crime No.58 of 2021)

...Respondent

**PRAYER:** Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.58 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.V.Elangovan

For Respondent : Mr.N.S.Suganthan  
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 22.10.2021 for the offences under Section 174 of Cr.P.C. @ into Section 306 of IPC, in Crime No.58 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the defacto complainant's elder daughter was found dead by hanging with Saree. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are neighbours of the deceased and they have been falsely implicated in this case. He would further submit that the 1<sup>st</sup> petitioner is aged about 60 years and the 2<sup>nd</sup> petitioner has got a 1 year old baby and that the petitioners have been suffering incarceration for more than 45 days from 22.10.2021 and hence, he would pray for grant of bail to the petitioners.



4. The learned Government Advocate (Crl. Side) would raise objection stating that originally the case was registered under Section 174 Cr.P.C and during the course of investigation, they got a suicide note based on which, the petitioners were implicated and subsequently, the case was altered to Section 306 IPC. The petitioners are the neighbours of the defacto complainant and at the time of the occurrence, the deceased was only 11 years old and that the RDO enquiry has not been completed.

6. Considering the fact that the 1<sup>st</sup> petitioner is aged about 60 years and the 2<sup>nd</sup> petitioner has got a one year old baby and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Additional Mahila Court, Dharmapuri, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Tuesday and Sunday at 10.30 a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

07/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT,  
DHARMAPURI.

2 THE SUPERINTENDENT,  
SPECIAL CELL FOR WOMEN AT SALEM CENTRAL PRISON,  
SALEM.

3 THE INSPECTOR OF POLICE,  
THOPPUR POLICE STATION,  
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.V.ELANGOVAN Advocate on payment of necessary charges  
SR.NO.14201

CRL OP.23602/2021

Date :07/12/2021

RW 07/12/2021