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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM:

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

Crl.O.P.No.23310 of 2021

1. Logeswari
2. Inthira

...Petitioners

Vs.

The State rep. By its
The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai District.
Crime No.1634 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail pending investigation in the case in Crime No.1634 of 2021 on the file of the respondent police.

For Petitioners: M/s.M.Mohamed Riyas

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.11.2021 for the offences under Section 294(b), 323, 315, 498A of IPC in Crime No.1634 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 11.11.2021, the defacto complainant made a complaint before the respondent police stating that she was attending the funeral ceremony of her father-in-law and thereafter stayed in her husband's house. The family members of her husband asked him to pay a sum of Rs.35,000/- for the death ceremony and the same was refused by the defacto complainant following which, there arose a wordy quarrel in which the petitioners abused her in filthy language and attacked her due to which her pregnancy was aborted. Hence, the complaint.



3. The learned Counsel for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners have been suffering incarceration for 45 days from 21.11.2021. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the petitioners abused in filthy language and also attacked the defacto complainant in which her pregnancy was aborted. He further submits that the investigation is almost completed. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the fact that there was wordy quarrel between the petitioners and the defacto complainant and that the investigation is almost completed 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 executing separate bond 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 XV Metropolitan Magistrate Goerge Town 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 appear before the respondent police as and when required for interrogation;

(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.

-sd/-

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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 XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE INSPECTOR OF POLICE
H4, KORUKKUPET POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M. MOHAMED RIYAS Advocate on payment of necessary charges SR.NO.14126

CRL OP.23310/2021

Date :06/12/2021

RW 06/12/2021