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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM:

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

Crl.O.P.No.24293 of 2021

S.Kanaga

...Petitioner

Vs.

The State rep. by
The Inspector of Police
Kitichipalayam.
(Crime No.619 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.619 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Alexis Sudhakar

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

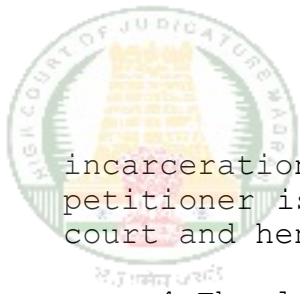
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.10.2021 for the offences under Sections 341, 294(b), 195 A and 506(i) of IPC, in Crime No.619 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.10.2021 at about 9.00 a.m when the de facto complainant was crossing the road near Balavinayagar Temple, the petitioner who was passing through the same road, saw the de facto complainant and threatened her not to enter into the witness box and depose any evidence with regard to Chelladurai Murder case and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is a lady and she has not committed any offence as alleged by the prosecution and that no such occurrence had happened. He would further submit that the petitioner has been suffering



incarceration for more than 45 days from 25.10.2021 and the petitioner is ready to abide any stringent conditions imposed by this court and hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the defacto complainant was arrayed as L.W.6 in a murder case of one Chelladurai in the year 2020. Hence, the petitioner threatened the defacto complainant not to get into the witness box and give any evidence as against her with regard to a murder case in which, the petitioner is arrayed as A29 but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner and that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate Additional Mahila Court, Salem, 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 petitioner shall stay at Thanjavur and report before the Town Police Station on every Tuesday and Saturday at 10.30 a.m, for a period of 4 weeks and thereafter, report before the respondent police as and when required for interrogation.

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

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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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15/12/2021

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 JUDICIAL MAGISTRATE
ADDITIONAL MAHILA COURT, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
KITCHIPPALAYAM,
SALEM DISTRICT.

5 THE OFFICER INCHARGE,
TOWN POLICE STATION, THANJAVUR.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.ALEXIS SUDHAKAR Advocate on payment of necessary charges SR.NO.14797

CRL OP.24293/2021

Date :15/12/2021

RW 15/12/2021