



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

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

Crl.O.P.No.23882 of 2021

CHINNATHAYEE @ CHINNAMYLI

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
Kolathur Police Station,
Mettur Taluk,
Salem District,
Crime No.409 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.409 of 2021 on the file of the Inspector of Police, Kolathur Police Station, Mettur Taluk, Salem District,.

For Petitioner : Mr.M.Senthilkumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 06.11.2021 for the offences under Sections 147, 148, 323, 324 and 302 of IPC, in Crime No.409 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.11.2021 the petitioner's goats were grazing on the lands of the de facto complainant and at that time wordy quarrel arose between the accused family members and the de facto complainant family members and while so, the petitioner and five others had attacked using wooden stick and Aruval and thereby de facto husband has been died. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and further submits that there is a case in counter in Crime No.410 of 2021 against the de facto complainant and others and the petitioner has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 30 days from 06.11.2021. Hence, he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised formal objection and would admit that there is a case in counter against the defacto complainant and that investigation was almost completed.

WEB COPY

5. It is seen that there is a case in counter against the de facto complainant and others and investigation is almost completed and since the petitioner is being a lady and considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner on certain conditions;

5. 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 Learned Judicial Magistrate -I, Mettur, Salem District, 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 report before the respondent police on every Saturday at 10.30 a.m. until further orders.

(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.

-sd/-

09/12/2021

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,
NO.1, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
METTR TALUK, SALEM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary
charges SR.NO.14389

CRL OP.23882/2021

Date :09/12/2021

CSK 09/12/2021