



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM:

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

Crl.O.P.No.24599 of 2021

Jothimani

... Petitioner

Vs.

State Rep. by the
Inspector of Police
Saravanampatti Police Station,
Coimbatore.
Crime No.1248 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.1248 of 2021 on the file of the Inspector of Police, Saravanampatti Police Station, Coimbatore.

For Petitioner : M/s.K.V.Sridharan

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 17.11.2021 for the offence under Section 307 of IPC, in Crime No.1248 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the daughter of the de facto complainant and they both were residing under a same roof. While so, the petitioner had taken away the ancestral property documents from the de facto complainant. Hence, there was a dispute between them. Subsequently, the defacto complainant had lodged a complaint at the Coimbatore District Collector's Office and they were asked to appear for enquiry on 07.12.2021. Aggrieved by the same, on 05.11.2021, in order to grab the property from the defacto complainant, the petitioner attempted to murder the defacto complainant by smothering with pillow on her face.



However, she managed to escape. Thereafter, the petitioner attacked her by throwing stones on the de facto complainant as a result of which, the defacto complainant sustained fracture in both legs. Hence, the complaint.

3. The learned counsel for the petitioner would submit that there was some property dispute between the parties and hence, on the instigation of the other family members, a false complaint has been lodged against the petitioner. He would further submit that the petitioner has been suffering incarceration for more than 25 days from 17.11.2021 and hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner in order to grab the property from the defacto complainant who is her mother, attempted to murder her by smothering with pillow and also attacked her with stones due to which, the defacto complainant sustained fractures in both legs but admits that the injured has been discharged from the hospital and the investigation is almost completed.

5. Considering the fact that the injured has been discharged from the hospital and both are mother and daughter and the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions;

7. Accordingly, the petitioner is ordered to be released on bail on her 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 Additional Mahila Court, Coimbatore, 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;

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

-sd/-
16/12/2021

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,
COIMBATORE.

2 THE INSPECTOR OF POLICE,
SARAVANAMPATTI POLICE STATION,
COIMBATORE.

3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.V.SRIDHARAN Advocate on payment of necessary charges SR.NO.14960

CRL OP.24599/2021

Date :16/12/2021

JPA 16/12/2021