



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11070 of 2021

Petchithai ... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Thattarmadam Police Station
Thoothukudi District.
Crime No.51 of 2010.

... Respondent/Complainant

For Petitioner : Mr.M.Prabhu, Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

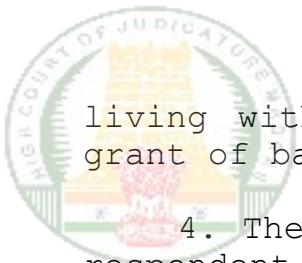
PRAYER :-For Bail in Crime No.51 of 2010 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 is facing a charge of the offences under Sections 366, 376, 302, 379 and 201 I.P.C, in P.R.C.No.38 of 2010 on the file of the Judicial Magistrate, Sathankulam, Thoothukudi.

2. The case of the prosecution is that on 22.05.2010, the petitioner along with other accused murdered the deceased for gain. After completing the investigation, the final report was filed and it was taken on file in PRC.No.38 of 2010 and committed to the Court of Sessions in the year 2010. Since the petitioner failed to appear before the trial Court, a Non Bailable Warrant was issued on 30.11.2010. On 27.07.2020, the petitioner was arrested on execution of Non Bailable Warrant and remanded to judicial custody. Now, the petitioner is before this Court seeking for bail.

3. The learned counsel for the petitioner submits that after the grant of bail, she has not received any summons and therefore, she did not appear before the trial Court. He further submits that it is not the case that the petitioner absconded to any other country. The petitioner is a woman, having two children. Both the



living without the support of their parents. Hence, he seeks for grant of bail.

4. The learned Government Advocate (Crl.side) appearing for the respondent police would submit that this petitioner along with her husband were absconding for the past 10 years and with great difficulty, they were secured. If the petitioner is released on bail, there is every possibility of her to abscond again and she would not be available for the trial. Therefore, he strongly opposed for grant of bail to this petitioner.

5. The case has been committed to the Court of Sessions and it is pending for trial. The petitioner's husband has not moved any bail application and this petitioner alone has filed this bail application on the ground that her children are living without any care.

6. Considering the peculiar facts and circumstances of the case, the fact that the petitioner's children are living without the care of their mother and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

7. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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 Principal District Judge, Thoothukudi District and on further conditions that:

[a] the Village Administrative Officer shall ensure that the persons who are giving sureties are respectable persons in their locality having permanent address and the sureties shall ensure the availability of the petitioner for the entire trial.

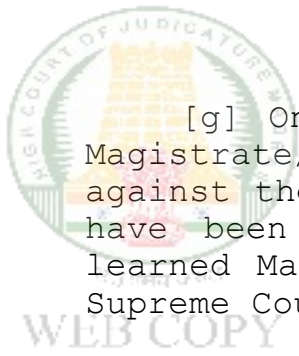
[b] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] If the petitioner is having passport, it shall be surrendered before the trial court.

[d] the petitioner shall report before the learned Principal District Judge, Thoothukudi District, on all hearing dates without fail and co-operate for the trial.

[e] the petitioner shall not abscond either during trial.

[f] the petitioner shall not tamper with the evidence or
<https://hcservices.courts.gov.in/hcservices/> witness or tamper during trial.



[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/08/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE PRINCIPAL DISTRICT JUDGE,
THOOTHUKUDI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION, THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE,
WOMEN PRISON, KOKKARAKULAM TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11070 of 2021

Date :24/08/2021

MSA

MK/JC/SAR.III/24.08.2021/3P/5C