



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.829 of 2022

Annapriya

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Thevoor Police Station
Salem District
(Crime No.190 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail, pending investigation in Crime No.190 of 2021 on the file of the Inspector of police.

For Petitioner : Mr.K.V.Muthu Visakan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 12.10.2021 for the offences under Section 302 of IPC in Crime No.190 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner who is the wife of the deceased was having illicit intimacy with A2 and the same was questioned by the deceased. Therefore, the deceased was assaulted by the petitioner and A2 with wooden log and murdered the deceased. Hence, the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that this the second bail application and the petitioner was suffering incarceration for 85 days from 12.10.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that petitioner who is the wife of the deceased was having extra marital relationship with A2 and the same was questioned by the deceased. Hence the petitioner/A1 and A2 murdered the deceased and the investigation almost completed.

5. Considering the facts and circumstances of the case and also the fact that 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 conditions.

[a] the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

[b] the petitioner shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the Judicial Magistrate No.1, Sankari, Salem district, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

[c]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;

[d] the petitioner shall appear before the respondent police on every Tuesday and Saturday at 10.30 a.m., for two months;

[e]the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;



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

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-sd/-
12/01/2022

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.I, SANKARI, SALEM DISTRICT.

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

3 THE OFFICER INCHARGE,
SUB JAIL, SALEM.

4 THE INSPECTOR OF POLICE,
THEVOOR POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.V.MUTHU VISAKAN Advocate on payment of necessary charges SR.NO.653

CRL OP.829/2022

Date :12/01/2022

RW 19/01/2022