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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2022

CORAM:

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

Cr1.O.P.No.1412 of 2022

Kumutha

...Petitioner

Vs.

The State rep. by
Station House Officer,
Veppur Police Station,
Cuddalore District.
(Crime No: 640 / 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to release the Petitioner on bail in Crime No.640/2021 on the file of the respondent police.

For Petitioners : M/s.R.Sethuvarayar

For Respondent : Mr.A.Gokulakrishnan
(Additional Public Prosecutor)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 31.10.2021 for the offence under Section 174 Cr.P.C. and subsequently, altered into Section 302 of IPC, in Crime No.640 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.10.2021 at about 10.30 p.m., when the deceased attempted to have physical relationship with the petitioner who is own sister, in a drunken mood, the petitioner crushed the throat of the deceased due to which, he died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the deceased is her own brother and on the date of occurrence, the deceased attempted to have sexual relationship with her in the drunken mood due to which, the occurrence had happened and that the



petitioner has been suffering incarceration for 85 days from 31.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would raise objection but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and 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 petitioners with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing her 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 her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.I, Vridhachalam, 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on every Wednesday at 10.30 a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

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-sd/-

24/01/2022

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, VRIDHACHALAM.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE STATION HOUSE OFFICER,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S R.SETHUVARAYAR Advocate on payment of necessary charges

CRL OP.1412/2022

Date :24/01/2022

RW 25/01/2022