



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2022

CORAM:

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

Cr1.O.P.No.3654 of 2022

Thavamani

... Petitioner

Vs.

The State Rep by:
The Inspector of Police,
SHO Thirunallar, Police Station,
Karaikal District.
(Crime No.160 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 concerned of an Crime No.160 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Aravindraj

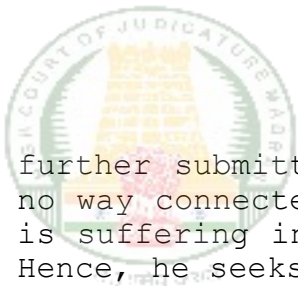
For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor
(Pondicherry)

ORDER

The petitioner who was arrested and remanded to judicial custody on 30.10.2021 for the offences under Sections 148, 302, 307 IPC r/w. Sec. 149 IPC @ Sec. 148, 302, 307, 120-B, 109 r/w Sec. 149 IPC, in Crime No.160 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with others attacked the defacto complainant and two others, due to which one of the victim sustained grievous injuries and died. Hence, the complaint.

3. The learned Counsel for the petitioner would submit 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 submitted that the petitioner is the mother of A1 and she is no way connected in this case. He further submits that the petitioner is suffering incarceration for more than four months from 30.10.2021. Hence, he seeks to grant bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection stating that totally 15 accused involved in this case and the petitioner is the mother of A1 and she is ranked as A9, on the basis of the instructions given by this petitioner, A1 along with other accused persons committed murder. He further submitted that if she is released on bail there will be another communal clash. He further submitted that the investigation was completed.

5. On seeing the fact that there are totally fifteen accused involved in this case and they were arrested. Out of the fifteen accused, A10, A11, A12 have been released on bail. As per the prosecution, this petitioner was implicated in this case in the confession statement given by A1 and investigation almost completed.

6. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, if she is released on bail she may not abscond or tamper the evidence, this Court is inclined to grant bail to the petitioner with conditions.

(a) the petitioner is ordered to be released on bail on 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 Judicial Magistrate, No.II, karaikal.

(b) 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;

(c) Considering the law and order problem the petitioner shall stay at Pondicherry and report before Great Bazaar Police Station daily at 10.30 a.m., for a period of three months, until further order;

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

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

(f) 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/-
09/03/2022

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.II, KARAIKAL

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY [FOR INFORMATION]

3 THE INSEPCTOR OF POLICE, SHO,
THIRUNALLAR POLIC STATION,
KARAIKAL DISTRICT

4 THE SUPERINTENDENT,
CENTRAL JAIL, PONDICHERRY, KALAPET.

5 THE PUBLIC PROSECUTOR
PONDICHERRY

6 THE OFFICER INCHARGE
GREAT BAZAAR POLICE STATION,
PONDICHERRY.

+1 CC to M/S.K.ARAVINDRAJ Advocate on payment of necessary charges SR.NO.3623

CRL OP.3654/2022

Date :09/03/2022

JPA 10/03/2022