



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.3141 of 2022

Umadevi

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
D-3, Sooramangalam Police Station,
Salem District.
(Crime No.989 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 P.R.C.No.111 of 2021 on the file of the learned Judicial Magistrate No.II, Salem (Crime No.989 of 2021 on the file of the respondent police).

For Petitioner : M/s.Praveen Alexander

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.12.2021 for the offences punishable under Sections 147, 148, 449, 302, 302 r/w 149 IPC r/w 120B, 201 of IPC, in Crime No.989 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased, who was the son of the petitioner / A-1, was converted into transgender and hence, the petitioner along with other accused are joined together and assaulted the deceased. Due to the said assault, he was admitted in the hospital and subsequently, he died. Hence, the complaint.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 18.12.2021 onwards. According to him, investigation has been completed and charge sheet has also been filed and therefore, further custody of the petitioner may not be necessary for completing the trial proceedings. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that the petitioner being the mother of the deceased committed this offence. However, she admits that, as of now, investigation has been completed and charge sheet has also been filed before the committal Court.

5. The submissions made by the learned counsel appearing on either side are considered.

6. As per the submissions made by the learned Additional Public Prosecutor appearing for the respondent police, investigation has been completed and the petitioner is not having any previous antecedents. Accordingly, being the reason that the investigation has already been completed, further detention is not necessary for completing the trial proceedings. Therefore, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Salem District.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. until further orders;

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

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



(v) 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].

-sd/-
10/02/2022

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, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE
D-3, SOORAMANGALAM POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.PRAVEEN ALEXANDER Advocate on payment of necessary charges

CRL OP.3141/2022

Date :10/02/2022

JPA 10/02/2022