



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Second day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice C.V. KARTHIKEYAN

CRIMINAL ORIGINAL PETITION No.13015 of 2022

GOMATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VELLORE SOUTH POLICE STATION,
VELLORE DISTRICT.
CRIME NO.127/2022.

[RESPONDENT]

For Petitioner : M/S.G.VINODHKUMAR Advocate

For Respondent : M/S.E.RAJ THILAK, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested on 11.05.2022 for the alleged offence punishable under Section 304(2) of IPC in Crime No.127 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the wife of the deceased. The deceased was addicted to alcohol and used to quarrel with the petitioner. On 10.05.2022, there was a quarrel and being extremely frustrated, the deceased had taken a knife and attempted to assault the petitioner herein, who, in turn, in order to prevent the above attack, attacked the deceased, owing to which, the deceased died.

3. The learned counsel for the petitioner submitted that the petitioner has also sustained injuries on her forehead and chest. The petitioner is in judicial custody from 11.05.2022. The learned counsel prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that the petitioner has already moved bail before the Court below and the same was dismissed. Therefore, he vehemently opposed to grant bail to the petitioner.

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5. Taking into consideration the fact that the act of the petitioner was more in the nature of self-defence and also considering the period of incarceration already suffered by the petitioner, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered 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 **Judicial Magistrate I, Vellore**, and on further condition that:

- [a]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.
- [b]the petitioner shall report before the respondent police once in a week i.e. every Monday at 10.30 a.m., until further orders.
- [c] the petitioner shall not abscond either during investigation or trial.
- [d]the petitioner shall not tamper with evidence or witness either during investigation or trial.
- [e]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 shall be 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]**.

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

-sd/-
02/06/2022

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.



1 THE JUDICIAL MAGISTRATE,
NO.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLORE SOUTH POLICE STATION,
VELLORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
FOR SPECIAL WOMEN PRISON, VELLORE.

+1 CC to M/S.G.VINODHKUMAR Advocate on payment of necessary
charges SR.NO.8449

CRL OP.13015/2022

Date :02/06/2022

TA-02/06/2022