



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.14872 of 2022

Sivagami

..Petitioner/A2

Vs.

State by,
The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District
crime No.307 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.307 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.05.2022 for the offence punishable under Section 302 r/w 34 of IPC, r/w Section 24(1B)(a) and 27(1) of Arms Act, 1959 in crime No.307 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the defacto complainant had two sons and A1 is the elder son. From the year 2018, there had been fight between them in respect of share of a property. Therefore, she shifted her house along with her younger son. On 16.05.2022, the defacto complainant's elder son shot her younger son using country gun when the younger son went to own house, thereby he died. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally two accused, in which the petitioner is arrayed A2, who is the wife of A1. Due to land dispute between A1 and his brother/deceased, on the occurrence day, A2 threw chilli powder on the face of the deceased and thereafter A1 shot him dead. He would further submit that A1 was detained under Goondas Act.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Polur and on further conditions 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 daily at 10.30 a.m. and 05.30 p.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 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].

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

-sd/-

29/06/2022

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.



TO

1 THE JUDICIAL MAGISTRATE,
POLUR.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
VELLORE.

4 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
THIRUVANNAMALAI DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.14872/2022

Date :29/06/2022

RW-01/07/2022