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CrI.OP.No.17582 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM

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

CrI.OP.No.17582 of 2022

Tamilarasi

...Petitioner

Vs.

Inspector of Police,
W13 All Women Police Station,
Old Washermenpet
Chennai – 600 021.

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.11/2022 on the file of the respondent police pending investigation.

For Petitioner	: Mr.V.Sambamurthy
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.06.2022 for the offences punishable under Section 326 of IPC and Section 75 of Juvenile Justice (Care & Protection) Act 2015 @ 326, 307 IPC and 75 of J.J. Act in crime No.11 of 2022 on the file of the



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respondent police, seeks bail.

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2. The case of the prosecution is that petitioner herein had assaulted her 2 ½ years old child causing fracture on the right hand, as the child had caused disturbance to her enjoyment with paramour. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was arrested and remanded to judicial custody on 25.06.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner had assaulted her 2 ½ years old child causing fracture on the right hand, as the child had caused disturbance to her enjoyment with paramour. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is



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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 XV Metropolitan Magistrate, George Town, Chennai**, 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 stay at Ranipet and report before the Inspector of Police, Ranipet Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[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



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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.

27.07.2022

mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The XV Metropolitan Magistrate,
George Town, Chennai.
- 2.The Inspector of Police,
W13 All Women Police Station,
Old Washermenpet
Chennai – 600 021.
- 3.Women Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras.

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