



WEB COPY



Crl.OP.No.21830 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

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

Crl.OP.No.21830 of 2022

Nithya

..Petitioner

Vs.

State Rep by:

The Inspector of Police,
Perambalur Police Station,
Perambalur District.

(Crime No. 496 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.496 of 2022 on the file of the respondent Police.

For Petitioner : Mr.M.Vijayaraghavan

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.07.2022 for the alleged offence punishable under Section **Man Missing altered to Sections 201, 394 and 302 r/w.397 of IPC** in Crime No. 496 of 2022 on the file of the respondent police, seeks bail.



Crl.OP.No.21830 of 2022

2. The case of the prosecution is that the petitioner is the wife of A1. It is alleged that the petitioner along with other accused robbed money from the deceased and thereby murdered him. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the other accused persons were already granted bail. Therefore, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that there are totally five accused involved in this case. The petitioner is the wife of A1. The petitioner along with other accused robbed money from the deceased and thereby murdered him. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Even according to the prosecution, the petitioner had committed robbery from the deceased person and murdered him.



Crl.OP.No.21830 of 2022

6. Considering the above facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. 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 Judicial Magistrate No.I, Perambalur 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 Morning at 10.30 a.m. and Evening at 5.30 p.m. for a period of six 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



Crl.OP.No.21830 of 2022

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

12.09.2022

Lpp

To

1. The Judicial Magistrate No.I,
Perambalur.
- 2.The Inspector of Police,
Perambalur Police Station,
Perambalur District.
3. Central Prison - Women, Trichy.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.21830 of 2022

G.K.ILANTHIRAIYAN, J.

Lpp

Crl.O.P.No.21830 of 2022

12.09.2022