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Crl.O.P.No.23562 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.23562 of 2022

Babyshalini

... Petitioner

Vs.

State represented by its,
The Sub-Inspector of Police,
Ayilpatti Police Station,
Namakkal District.
(Crime No.108 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail pending investigation in
Crime No.108 of 2022 on the file of the respondent police.

For Petitioner : Mr.A.S.Prabu

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.08.2022, for the offence under Sections 294(b), 341, 307 r/w 109 of IPC, in Crime No.108 of 2022 on the file of respondent police, seek bail.

2. The case of the prosecution is that on account of the dispute regarding illicit intimacy, the petitioner along with the other accused abused the de-facto complainant and assaulted him with knife, caused multiple injuries including lacerated wound over the vital part of the body. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and on account of the illegal affair, there was a scuffle between the petitioner and the de-facto complainant and taking advantage of the injuries, a false complaint has been lodged as against the petitioner. He would also submit that the injured has been discharged from the hospital and the petitioner is in custody from 31.08.2022 and hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other accused assaulted the de-facto complainant, due to the dispute regarding illicit intimacy and caused injuries. He would also submit that the injured has been discharged from the hospital and there is a previous case pending as against the petitioner. Hence, he oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner on certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five**



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thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Rasipuram**, 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 Chennai and report before the Inspector of police, North Beach Police Station, everyday at 10.30.a.m., for a period of four weeks and thereafter, report before the respondent Police every Saturday 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 released on bail by the learned Magistrate/Trial



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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 abscond, a fresh FIR
can be registered under Section 229A IPC.

28.09.2022

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To

1. The Judicial Magistrate,
Rasipuram.
2. The Sub-Inspector of Police,
Ayilpatti Police Station,
Namakkal District.
3. The Women's Jail,
Salem.
4. The Inspector of Police,
North Beach Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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