



Crl.OP.No.24437 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.24437 of 2022

Prabavathi

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.
(Crime No.199 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.199 of 2022 on the file
of the Respondent Police pending investigation.

For Petitioner : Mr.S.Panneer Selvan

For Respondent : Mr.S.Raja Kumar,
Additional Public Prosecutor



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 21.07.2022 for the offences punishable under Sections 302, 379, 454, 380, 176, 201 of IPC in Crime No.199 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that one Govindaraj/A1 had borrowed money from the Deceased one Malarvizhi. While so on 14.07.2022, the Deceased had gone to the house of the A4 and approached A1 to return the money back, at that time, A1 had pushed the Deceased towards the door, due to which, she succumbed to head injuries. Thereafter, A1 to A5 had stolen the jewels from the Deceased and thrown the body on the Railway Track. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner/A5 is an innocent and she had nothing to do with the alleged offence as stated by the Prosecution. He would submit that Co-Accused in this case had granted bail by this Court. Therefore, he prays for grant of bail to the Petitioner.



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4. The learned Additional Public Prosecutor appearing for the Respondent would submit that due to money dispute, the petitioner along with the other Accused had pushed the Deceased towards the door, due to which, she succumbed to head injuries. Thereafter, A1 to A5 had stolen the jewels and thrown the body on the Railway Track. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard learned counsel for the Petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Taking into consideration of the submission of the learned Counsel for the Petitioner and the objection made by the learned Additional Public Prosecutor, this Court is inclined to grant bail to the Petitioner.

7. Accordingly, the Petitioner is ordered to be released on bail on 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**



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Judicial Magistrate, Pappireddipatti Taluk, Dharmapuri District.

Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate, Pappireddipatti Taluk, Dharmapuri District shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall stay at Villupuram and report before the Villupuram Town Police Station daily at 10.00 a.m., until further orders. The Petitioner shall not enter into the local Jurisdiction of Kadathur Police Station.

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the



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Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

shk/sma

To

1. The learned Judicial Magistrate, Pappireddipatti Taluk,
Dharmapuri District.
2. The Inspector of Police,
Kadathur Police Station,
Dharmapuri District.
3. The Sub Jail for women,
Salem-7
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

shk/sma

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