WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

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

Crl.O.P.No.24743 of 2022

Indhumathi @ Indhu ... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Pathirvedu Police Station,
Thiruvallur, District.
(Crime No.86 of 2022) .. Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleased to enlarge the petitioner on bail in connection with the case in Crime No.86 of 2022, on the file of the Respondent Police.

For Petitioner : Mr.S.Gopi

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

https://www.mhc.tn.gov.in/judis

WEB COPY

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 14.09.2022, for the offences punishable under Section 174 or Cr.P.C., @ 120(B), 147, 148, 294(b), 323, 324, 302 and 201 r/w Section 311 of IPC, in Crime No.86 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, who is the Forest Officer, is that on 05.06.2022, while he was on his routine rounds in Irungulam Reserve Forest area, he found a body of a 20 years old male in decomposed stage. Based on the complaint given by the de-facto complainant, a case in Crime No.86 of 2022 was registered under 174 Cr.P.C and during the course of investigation, it came to light that the petitioner along with nine other accused, due to previous enmity taken the victim into the reserve forest area and by made him to consume alcohol and while he was in inebriated condition, they indiscriminately attacked him with knife and committed murder on him. Hence the complaint.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been roped into this case only based on the suspicion and on the confession statement recorded from the other accused. He would further submit that the petitioner is the mother of A1 and even as per the prosecution, there is no eye witness to the murder and other than the confession statement recorded from the other accused, there is no other material available as against the petitioner to implicate her in this case for this offence. He would also submit that the petitioner is in custody from 14.09.2022 and she is prepared to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for grant of bail to the petitioner.

4. Per contra, the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the mother of the main accused and the accused had taken the victim to a secluded place in a forest area and made him to consume alcohol and assaulted him with a knife, while he was in inebriated condition and committed murder of the victim. He would also submit that initially the case has been registered for

https://www.mhc.tn.gov.in/judis

WEB COPY

the offence under Section 174 Cr.P.C and later, altered to one offence under Sections 120B, 147, 148, 294(b), 323, 324, 302 & 201 of IPC. He would further submit that the petitioner, who is the mother of the main accused had after the murder, destroyed the certificates and other Identity Cards belonging to the deceased to screen the evidence. He would also state that there are no previous cases as against the petitioner. He would further state that A5 in this case has also been granted bail by this Court in Crl.O.P.No.23291 of 2022 dated 26.09.2022. Therefore, he vehemently opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel and also the period of incarceration suffered by the petitioner and also taking note of the fact that the allegation as against the petitioner is that she had only screened the

https://www.mhc.tn.gov.in/judis

WEB COPY

evidence by destroying the certificates and other Identity Cards of the deceased, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties,** each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Gummidipoondi,** 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

https://www.mhc.tn.gov.in/judis

WEB COPY

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

13.10.2022

rgi

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1. The District Munsif cum Judicial Magistrate,
   Gummidipoondi

2. The Inspector of Police,
   Pathirvedu Police Station,
   Thiruvallur, District

3. The Special Prison for Women,
   Puzhal, Chennai.

4.The Public Prosecutor,
  High Court of Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

A.D.JAGADISH CHANDIRA., J.

rgi

Crl.O.P.No.24743 of 2022

13.10.2022

https://www.mhc.tn.gov.in/judis