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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25699 of 2021

S.Sasikala

...Petitioner

Vs.

State Rep by
The Inspector of Police,
Ambattur Police Station,
Chennai-600 053.
(Crime No.1574 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.1574 of 2021 on the file of the respondent police.

For Petitioner : Mr.A.Rajesh Kanna

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

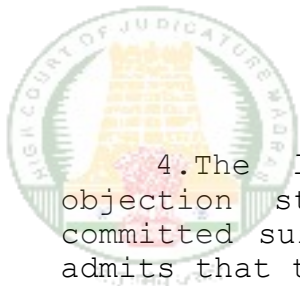
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 19.10.2021 for the offence under Section 174 of Cr.P.C. and subsequently altered into Section 306 of IPC, in Crime No.1574 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 18.10.2021, the parents of the defacto complainant committed suicide by pouring kerosene due to the harassment made by the petitioner. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the suicide committed by the parents of the defacto complainant and she has been falsely implicated in this case due to previous enmity with regard to civil dispute. He would further submit that this is the second application for bail and the petitioner has been suffering incarceration for more than 70 days from 19.10.2021 and that the petitioner is ready to abide any stringent condition imposed by this court. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise objection stating that the parents of the defacto complainant committed suicide due to the harassment made by the petitioner but admits that the investigation is almost completed.

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5. It is seen that the petitioner is a widower and having a little minor child and she is a neighbour as well as relative to the defacto complainant and due to the issue in respect of Septic Tank, the parents of the deceased who are aged about 80 and 74 years, committed suicide. Considering the fact that the petitioner is the sole accused and the investigation is almost completed, as she being widow with little minor child and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the Petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Ambattur, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall stay at Kancheepuram and report before the Town police station on every Saturday at 10.30. a.m. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
AMBATTUR POLICE STATION,
CHENNAI DISTRICT. 600 053

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
WOMEN CENTRAL PRISON,
PUZHAI, CHENNAI

6 THE INSPECTOR OF POLICE/
STATION HOUSE OFFICER, KANCHEEPURAM TOWN
POLICE STATION, KANCHEEPURAM

+2 CC to M/S.A.RAJESH KANNA Advocate on payment of necessary charges Sr.4

CRL OP.25699/2021

Date :03/01/2022

RVR 04/01/2022