



Crl.O.P.No.25529 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.O.P.No.25529 of 2022

Latha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K3 Amijikarai Police Station,
Chennai.

Crime No.400 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in connection with Crime No.400 of
2022 on the file of the respondent Police.

For Petitioner : Mr.M.Rajavelu

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 30.09.2022 for the offences punishable under Sections 341, 294(b), 285, 353 & 506(ii) IPC in Crime No.400 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Sub Inspector of respondent Police Station is that on 29.09.2022, when the de-facto complainant had gone in search of the petitioner's son/A1, the petitioner has abused the de-facto complainant in a filthy language and poured kerosene on herself and on the de-facto complainant and threatened that she will set fire to both and thereby, prevented the de-facto complainant from discharging her official duty. Hence the case.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and since the petitioner having a previous case, the police used to harass the family members of the petitioner



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unnecessarily and when it was objected, a false complaint has been lodged against her. He would further submit that the petitioner will not have such audacity to abuse the police and she being a lady is ready to appear before the respondent police everyday and is ready to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the mother of the first accused, who is a habitual offender and when the respondent police had gone in search of the first accused, the petitioner had prevented them and abused them and also by pouring kerosene on herself and on the de-facto complainant, threatened them and prevented them to discharge their official duty. He would also submit there is a previous as against the petitioner in Crime No.210 of 2019 for the offence under Section 302 IPC on the file of the Korattur Police Station. Therefore, he vehemently oppose to grant bail to the petitioner.



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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 the submissions made by the learned Counsel for the petitioner and taking note of the period of incarceration undergone by the petitioner, 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 V Metropolitan Magistrate, Egmore, Chennai**, 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;



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[b] the petitioner shall report before the Inspector of Police, All Women Police Station, Anna Salai, Chennai, everyday 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 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.

19.10.2022

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To

1. The V Metropolitan Magistrate,
Egmore, Chennai
2. The Inspector of Police,
K3 Amijikarai Police Station,
Chennai.
3. The Special Prison for Women,
Chennai.
4. The Inspector of Police,
All Women Police Station,
Anna Salai, Chennai
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.

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