



Crl.O.P.No.26780 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.O.P.No.26780 of 2022

R.Sathishwari

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Latheri Police Station,
Vellore District.

(Crime No.128/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.128
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Pugalenth

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 294(b), 323, 324, 506(ii) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 @ 294(b), 323, 324, 506(ii), 302 of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.128 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to family dispute, the petitioner herein along with other accused persons had abused the de-facto complainant and her son in a filthy language and brutally assaulted her son with coconut-leaf stalk. Due to which, the victim sustained grievous injuries and died. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to the existing family dispute, she has been falsely implicated in this case. He would also submit that first accused has been granted bail by this Court in Crl.O.P.No.17796 of 2022 vide order dated 29.07.2022. He would also state that the petitioner is ready to



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abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit the petitioner herein along with other accused persons, due to the family dispute, had abused the *de-facto* complainant and her son and assaulted with coconut-leaf stalk, resulting in grievous injuries and the injured died in the hospital. He would also submit that A1 has already been granted bail by this Court. However, 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 and also taking note of the fact that the first accused has been granted bail by this Court in Crl.O.P.No.17796 of 2022 dated 29.07.2022 and also considering the period



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of incarceration undergone by the petitioner , this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on her 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 Judicial Magistrate, Katpadi, Vellore District** 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 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



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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.

04.11.2022

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To

1. The Judicial Magistrate,
Katpadi, Vellore District.
2. The Inspector of Police,
Latheri Police Station,
Vellore District.
3. The Special Prison for Women,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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