



CrI.O.P.No.27199 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

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

CrI.O.P.No.27199 of 2022

Malliga

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H6-R.K.Nagar Police Station,
Chennai.

Crime No.3615 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in S.C.No.148 of 2021 on the file of
XVIII Additional Sessions Judge, Chennai.

For Petitioner : Mr.P.Bakiyaraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.10.2022 pursuant the non-bailable warrant issued against her on 19.04.2021, for the offence under Sections 302 @ 120 (B), 147, 148, 341, 302 IPC in S.C.No.148 of 2021, on the file of the XVIII Additional Sessions Court, Chennai, in Crime No.3615 of 2020, seeks bail.

2. The learned counsel for the petitioner would submit that the petitioner is an accused facing trial in S.C.No.148 of 2021 pending on the file of the learned XVIII Additional Sessions Court, Chennai. He would further submit that originally the petitioner was granted bail in this case and she was all along regularly appearing before the Court and since, the petitioner did not appear before the Court on 19.04.2021, a Non Bailable Warrant was issued against her and pursuant to which, she was arrested on 19.10.2022. He would further submit that the petitioner on 19.04.2021, only due to her illness, she was unable to appear before the Court. He would also reiterate that the petitioner has been all along regularly appearing before the court and she is prepared to comply with any stringent condition that may be imposed by this



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Court and ready to furnish sufficient sureties. He would also submit that the petitioner is in custody from 19.10.2022 along with her 2 year old female baby and therefore, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is arrayed as A5 in this case, on 19.04.2021, failed to appear before the Court and therefore, the Court has issued a NBW against her and pursuant to which the petitioner has been arrested on 19.10.2022. He would also submit that there is no previous case as against the petitioner. However, he oppose for grant of bail to the petitioner.

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

5. Taking into consideration the facts and submissions of the case and the submissions made by the learned counsel and also considering the fact that the petitioner except on 19.04.2021, she has been all along regularly appearing before the court, this Court is inclined to grant bail to the petitioner



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with certain conditions.

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6. 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 blood related sureties** (who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned XVIII Additional Sessions Judge, 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;

[b] the petitioner shall report before the learned trial Court on all working days, at 10.30 a.m., till framing of charges and she shall also appear before the respondent Police on Every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

11.11.2022

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To

1. The XVIII Additional Sessions Judge,
Chennai.
2. The Inspector of Police,
H6-R.K.Nagar Police Station,
Chennai.
3. The Central Prison for Women,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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