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Crl.O.P.No.27839 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

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

Crl.O.P.No.27839 of 2022

Karpagajothi

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Virudhachalam Police Station,
Cuddalore District.

(Crime No.897/2022).

... 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.897
of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Saravanan
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)
For Intervener : Mr.V.Sivaraman



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family and the de-facto complainant's family, due to which, a false complaint has been given against the petitioner's entire family. He also submitted that ever as per the First Information Report, only the first accused had inflicted injuries on the victim and there is no specific overt act as against this petitioner. He also stated that the petitioner was arrested on 30.10.2022 and she is in custody for more than 20 days and further submitted that injured has also been discharged from the hospital, hence, he prayed to grant bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that on account of the property dispute, the petitioner along with the other accused waylaid the de-facto complainant and her husband and assaulted the de-facto complainant's husband with knife, due to which, he sustained grievous injuries. He further submitted that the injured has been discharged from the hospital, however, he vehemently opposed to grant bail to the petitioner.

5. Learned counsel for the Intervener vehemently opposed to grant bail to the petitioner stating that the petitioner along with her sister and



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mother had instigated the first accused to inflict serious injuries on the victim, due to which, he was admitted in hospital with grievous injuries for more than 2 weeks and discharged from the hospital very recently.

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the allegation against the petitioner that she had instigated the main accused, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 Judicial Magistrate No.I, Viruthachalam,** and on further conditions that:



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[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 stay at Chennai and report before the Inspector of Police, Flower Bazaar Police Station 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.

22.11.2022

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To

1. The Judicial Magistrate No.I,
Viruthachalam.
2. The Station House Officer,
Virudhachalam Police Station,
Cuddalore District.
3. The Sub Jail,
Cuddalore.
4. The Inspector of Police,
Flower Bazaar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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