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CrI.O.P.No.28210 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

CORAM

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

CrI.O.P.No.28210 of 2022

Shobana

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Thakkolam Police Station,
Ranipet District.
(Crime No.129 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in Crime
No.129 of 2022 on the file of respondent police.

For Petitioner : Mr.R.Sasikumar

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 27.09.2022 for the offences punishable under Section 302 of IPC in Crime No.129 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Magendiran, brother of the deceased is that his brother got married to the accused/petitioner herein during the year 2012 and it was a love marriage and that they have 2 children. Further allegation is that his sister-in-law/petitioner herein got into an illicit intimacy with some other person and the deceased had informed to his brother that there was frequent fight between the deceased and his wife/petitioner herein. On 27.09.2022, the *de-facto* complainant had heard a noise from his brother's house and he had seen his brother lying down with bleeding injuries. Suspecting that the petitioner herein would have committed the murder, the complaint has been given.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would submit that there is no eye witness to the occurrence and that even as



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per the *de-facto* complainant, he had seen his brother/deceased lying down with bleeding injuries. Other than that, there is no allegation as against the petitioner and the accused has been implicated only based on the suspicion. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioner is the wife of the deceased. The accused/petitioner herein had illicit intimacy with another man and there used to be frequent quarrel between the petitioner and the deceased. Due to which, the accused had assaulted the deceased with a stone and he died on the spot succumbing injuries. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent 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 the period of



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incarnation of the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 **learned Judicial Magistrate, Arakkonam** 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 stay at Chengalpattu and report before the Inspector of Police, Chengalpattu Town 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;



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[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.

17.11.2022

mpl



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A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The Judicial Magistrate, Arakkonam.
2. The Inspector of Police,
Thakkolam Police Station,
Ranipet District.
3. Central Prison Women,
Vellore.
4. The Public Prosecutor,
High Court of Madras.

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