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CrI.O.P.No.28583 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

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

CrI.O.P.No.28583 of 2022

Vijaya lakshmi

... Petitioner

Vs.

State Rep by
The Inspector of Police,
T-18, Guduvancherry Police Station,
Chengalpattu District.
Crime No.416 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in the case pending investigation in
Crime No.416 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

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 24.09.2022 for the offences punishable under Sections 307, 341, 506(ii) of IPC @ 341, 302 and 506(ii) of IPC in Crime No.416 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant is that, her husband, the deceased in this case on the recommendation of the A1/petitioner herein had invested huge amounts in the Company of A2. Thereafter, A2 had not returned the money and he had ran away. When the *de-facto* complainant's husband had asked for return of money from A1, she had threatened him stating that if he demands money, he would be done to death. Pursuant to that, A2 along with henchmen assaulted the *de-facto* complainant's husband resulting him sustaining injuries. Thereafter, the victim was taken to the hospital for treatment and later he died. Hence, the case.

3. The learned Counsel for the petitioner would submit that



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petitioner is an innocent person and she has been falsely roped in this case.

He would submit that it is a true fact that the *de-facto* complainant's husband invested on the recommendation of the petitioner on the Company of the A2. Other than that, the petitioner doesn't know anything. He would further submit that there was a dispute between the *de-facto* complainant's husband and A2 with regard to money, pursuant to which, the *de-facto* complainant's husband has been assaulted by the other accused. He would further submit that the petitioner is in custody from 24.09.2022 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent would submit that on the recommendation of the A1/petitioner herein, the *de-facto* complainant's husband had invested amount in the Company of A2. Thereafter, A2 had not returned the money and he had absconded. When the *de-facto* complainant's husband had asked for return of money from A1, she had threatened him stating that if he demands money, he would be done to death. Pursuant to that, A2 along with henchmen assaulted the *de-facto* complainant's husband resulting him sustaining injuries. Thereafter, the victim was taken to the hospital for treatment and



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later he died. Hence, he opposed for grant of 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 also considering that the petitioner is a lady, 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 **learned Judicial Magistrate No.II, Chengalpattu**, 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 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 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.

21.11.2022

mpl



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A.D.JAGADISH CHANDIRA.,J.

mpl

To

1. The Judicial Magistrate No.II,
Chengalpattu.
- 2.The Inspector of Police,
T-18, Guduvancherry Police Station,
Chengalpattu District.
3. Sub – Jail,
Chengalpattu.
4. The Public Prosecutor,
High Court of Madras.

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