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Crl.O.P.No.28973 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

CORAM

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

Crl.O.P.No.28973 of 2022

Kavitha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Thoppur Police Station.
Dharmapuri District.

(Crime No.181/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.181
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Sakkarapani

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 17.09.2022 for the offences under Sections 174 Cr.P.C @ Section 302 IPC, in Crime No.181 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant one Madhu, who is a Village Administrative Officer, is that on 23.07.2022, she received a call from the village people that the victim Govindan was lying dead with blood injuries in his house in a suspicious manner. Based on her complaint, originally a case in Crime No.181 of 2022 was registered under Section 174 Cr.P.C. During the course of investigation, it was found that the wife of the deceased along with her paramour and others have committed murder of the victim and therefore, the offence has been altered to one under Section 302 IPC. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner, who is none other than the wife of the deceased, is an innocent



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person and she has been falsely implicated in this case. He further submitted that the petitioner is arrested only based on the suspicion and even as per the prosecution, there is no eye witness to the incident. He also stated that the petitioner is in custody from 17.09.2022 and she is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the deceased and the petitioner are the husband and wife having three children. He further submitted that the petitioner, who is arrayed as A1 was having an illegal affair with some one and due to which, there was a quarrel between the petitioner and the victim and on account of the same, the petitioner along with the other accused have committed murder of the victim. 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) and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period 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 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 the **learned Judicial Magistrate No.II, Dharmapuri** 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;



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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.

25.11.2022

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To

1. The Judicial Magistrate No.II,
Dharmapuri.
2. The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
3. The Women's Sub Jail,
Hasthampatti.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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