

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.09.2022

CORAM

**THE HONOURABLE MR. JUSTICE G.ILANGO VAN**

Crl. A.(MD)No.555 of 2022

Noorjahan

... Appellant

Vs.

1.The Deputy Superintendent of Police,  
Thanjavur Town,  
Thanjavur.

2.State Rep by:  
The Inspector of Police,  
All Women Police Station,  
Thanjavur.

3.Sasireka

.. Respondents

**Prayer :** This Criminal Appeal is filed under Section 14(A)(1) of SC/ST (POA) Amended Act 2015, to call for the records and set aside the order passed by the first Additional District and Sessions Judge (P.C.R), Thanjavur dated 01.09.2022 made in Crl.M.PNo.612 of 2022 and enlarge the appellant on bail by allowing this appeal.

For Appellant : Mr.K.Arunraj

For Respondents : Mr.RMS.Sethuraman  
Additional Public Prosecutor for R1 and R2w

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### **JUDGMENT**

This Criminal Appeal has been filed to set aside the order passed by the learned I Additional District and Sessions Judge (PCR), Thanjavur, in Crl.M.P.No. 612 of 2022.

2. The case of the prosecution is that the petitioner is having illicit relationship with the husband of the defacto complainant, due to which, continuous trouble arose between the defacto complainant and her husband. Hence, the complaint.

3. The learned counsel for the appellant would submit that the appellant has been falsely implicated in this case and that the appellant is innocent and she has not committed any offence as alleged by the prosecution. He would further submit that that the appellant is in custody from 24.08.2022 onwards.

4. It appears that it is a matrimonial dispute between the defacto complainant/third respondent and her husband/first accused, since it is alleged that the first accused is having illicit relationship with the present petitioner. On the earlier occasion, after hearing both side arguments, this Court directed the petitioner to file an undertaking affidavit stating that she will not interfere in the life of the defacto complainant.

5. As per the direction of this Court, the petitioner has filed an undertaking affidavit before this Court and copies also served to the learned Additional Public Prosecutor.

6. The learned Additional Public Prosecutor(Crl. Side) for the respondent police submitted that in pursuance of the direction of this Court, the petitioner has filed an undertaking affidavit, this Court may consider the bail application of the petitioner.

7. Considering the above facts and circumstances of the case and also the fact that the appellant is in judicial custody from 24.08.2022, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 01.09.2022 made in Crl.M.P.No.612 of 2022 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur.

8. Accordingly, the Criminal Appeal is allowed and the order dated 01.09.2022 made in Crl.M.P.No.612 of 2022 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, is set aside. The appellant is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned I Additional District and Sessions Judge (PCR), Thanjavur, and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their valid identity card to ensure their identity.

[b]the appellant shall stay at Madurai and report before the Inspector of Police, Thirumangalam Town Police Station daily at 10:30 a.m., until further orders.

[c]the appellant shall not tamper with evidence or witness either during investigation or trial.

[d]the appellant shall co-operate with the investigation.

[e]On breach of any of the aforesaid conditions, the learned Sessions Judge/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Sessions Judge/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 absconds, a fresh FIR can be registered under Section 229-A IPC.

9.If any violation or misconduct is noticed, bail granted by this Court to the petitioner, shall stand cancelled automatically without further reference to this Court. After releasing on bail, the petitioner must file a copy of the above said affidavit before the concerned Magistrate Court and send another copy to the concerned Police Station.

**20.09.2022**

Index : Yes/No  
Internet : Yes/No  
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To

- 1.The Superintendent,  
Central Prison,  
Trichy.
- 2.The I Additional District and Sessions Judge (PCR),  
Thanjavur.
- 3.The Deputy Superintendent of Police,  
Thanjavur Town,  
Thanjavur.

*Crl. A.(MD)No.555 of 2022*

**G.ILANGO VAN,J**

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4.The Inspector of Police,  
All Women Police Station,  
Thanjavur.

5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Crl. A.(MD)No.555 of 2022

20.09.2022