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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.21016 of 2022

Villammal

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.123 of 2022)

... Respondent/Complainant

For Petitioner : M/s.B.Mahendrarajan, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.123 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who was arrested and remanded to judicial custody for the offences punishable under Sections 342, 297, 355, 376(D), 506(ii), 414, 34 of IPC and Section 4 of the Prohibition of Women Harassment Act, in Crime No.123 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the first accused along with other accused were committed gang rape upon the victim and robbed the golden articles and money value of Rs.14,000/- belonging to the victim. Hence, the complaint.

3.The learned counsel for the petitioner would submit that this the second bail application. The petitioner has no direct involvement in the alleged offence. Only based on the confession

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statement of A1, the petitioner was implicated in this case. To the petitioner was received the robbed articles of the victim. Except the alleged confession by the co-accused, there is absolutely no other material available as against the petitioner and no articles recovered from this petitioner. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. However, the petitioner shall abide any condition imposed by this Court. Hence, he may be granted bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that earlier bail application filed by the petitioner was dismissed by this Court with a direction to complete the trial within a period of two months. This is the second bail application. He would further submit that the petitioner is the mother of A1 and she is having 23 previous cases. Further, investigation in this case has been completed and the charge sheet has already been filed and the same was taken on file as S.C.No.149 of 2022 before the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram and the case is pending for trial. However, considering the gravity of the offence, he strongly opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the period of incarceration and also the facts that the case is pending for trial in S.C.No.149 of 2022 before the learned Sessions Judge, Fast Track Mahila Court, Ramanathapuram, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judge, **(*)Fast Track Mahila Court, Ramanathapuram.**

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) the petitioner shall report before the concerned trial Court on each and every hearing without fail;

(iii) the petitioner shall not tamper with evidence or witness;

(iv) the petitioner shall not abscond during trial.

(v) 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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
28/11/2022

(*) For Being Mentioned as per order
of this Hon'ble Court dated
09/12/2022 in Cr1.OP(MD).21016/2022
by ADJCJ.

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/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

To

TO BE SUBSTITUED WITH THE ORDER DATED 28/11/2022 ALREADY DESPATCHED

- 1 THE JUDGE, FAST TRACK MAHILA COURT, MADURAI.
- 2 THE JUDGE, FAST TRACK MAHILA COURT, RAMANATHAPURAM.
- 3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 4 THE INSPECTOR OF POLICE, SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
RAMANATHAPURAM DISTRICT.

ORDER
IN
CRL OP(MD) No.21016 of 2022
Date :28/11/2022

CP
RS/SSS/SAR.(28.11.2022) 3P-6C
PNM
SA/VR/SAR. /09.12.2022/3P/7C