



Crl.O.P.No.2802 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

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Vinothini,
W/o.late Velmurugan

.. Petitioner

Vs.

State represented by
The Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai-03.
(Crime No.20 of 2023)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.20 of 2023 on the file of the respondent police.

For Petitioner : Mr.Abinesh Babu

For Respondent : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 11.01.2023 for the alleged offence under Sections 302 and 201 of I.P.C. in Crime No.20 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner is wife of defacto complainant's brother viz., Velmurugan and on 09.01.2023 around 09.30 p.m., in an inebriated state, he quarreled with the petitioner, thereby she stabbed deceased on his stomach, resulting in which, he sustained serious injuries and died. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that she is working as a cook in a residence and on the date of occurrence, she was informed that her husband was found fallen in an unconscious state near Dasarathapuram wine shop, and she informed to his brother, thereby he went there and dropped him at petitioner's residence. He would submit that though they have been married 13 years back,



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unfortunately, they have no issues. He would also submit that the respondent police instead of registering the case under Sec.174 of Cr.P.C., they have straight away registered the F.I.R. against her under Sec.302 of I.P.C. without conducting proper investigation. He would further submit that she is no way connected with the offence and she has not committed any of offence as alleged by the respondent police. He would also submit that she has been falsely implicated in this case and she will abide by any condition that may be imposed by this court. He would also submit that the petitioner has been suffering incarceration for more than 41 days from 11.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that she is the sole accused. He would also submit that on the date of occurrence, in a drunken mood, deceased made a quarrel with her, in which, she stabbed him on his stomach, due to which, he succumbed to injuries. He would submit that if she is released on bail, she would hamper the investigation and tamper the witnesses and the investigation is almost completed. However, he would vehemently



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opposed to grant bail to the petitioner.

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5. Considering the facts and circumstances and also the fact that on the date of alleged occurrence, when the deceased, in an inebriated state had a quarrel with her, in which, she stabbed him on his stomach, due to which, he succumbed to injuries, thereby the said occurrence was happened and she was married 13 years back, however, there is no issues for them and the fact that she is working as a cook in a residence and the investigation is almost completed, and on considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the *learned XXIII Metropolitan Magistrate, Saidapet, Chennai*, and on further conditions that::



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(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 on every Saturday at 10.30 a.m. for the period of eight weeks.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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