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Crl.O.P.No.3460 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2023

CORAM :

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

Crl.O.P.No.3460 of 2023

Jothi,
W/o.Chandran

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet Dt.
(Crime No.413 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.413 of 2022 pending on the file of respondent police.

For Petitioner : Mr.R.Sasikumar

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



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CrI.O.P.No.3460 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.12.2022 for the alleged offence under Sections 294(b) and 302 of I.P.C. in Crime No.413 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that due to previous enmity in respect of property, on 29.12.2022, there was a wordy quarrel between the petitioner and the defacto complainant, thereby she assaulted him with wooden logs, due to which, he sustained injuries and he was admitted in the hospital for treatment and subsequently he died. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the petitioner is wife of A1 and already there was a land dispute between A1's family and deceased family. Hence, on the date of occurrence, there was a wordy quarrel between them, thereby the alleged occurrence happened, but this petitioner being wife of A1, is nothing to do with the



Crl.O.P.No.3460 of 2023

WEB COPY

occurrence and she was falsely implicated in this case. So, the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that she has not at all committed any of offence as alleged by the respondent police and she will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 47 days from 29.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that totally, there are 3 accused involved in this case and all the accused are arrested. He would submit that the petitioner is arrayed as A2 and no previous case pending against her. He would submit that the petitioner, who is wife of A1 was present at the time of occurrence and admittedly, there is a civil dispute between parties and as per F.I.R. allegation, this petitioner, who is close relative of A1 along with other accused attacked the deceased, thereby he succumbed to injuries. He would submit that that if she is released on bail, he would tamper the witnesses and hamper the investigation and the investigation



Crl.O.P.No.3460 of 2023

WEB COPY

is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. On seeing the facts, it reveals that both are relatives and neighbours and having a land dispute between them, thereby on the date of occurrence, there was a wordy quarrel between them, in which, both were attacked each other and the alleged occurrence happened. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond 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 Judicial Magistrate, Arakkonam**, and on further conditions that:



Crl.O.P.No.3460 of 2023

WEB COPY

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 Tuesday and Saturday at 10.30 a.m. for the period of three months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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



Crl.O.P.No.3460 of 2023

WEB COPY

laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala*** [(2005)AIR SCW 5560];

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

15.02.2023

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To

1. The Judicial Magistrate,
Arakkonam.
2. Inspector of Police, Arakkonam Taluk Police Station,
Ranipet Dt.
3. The Superintendent of Prison,
Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras, Chennai.



WEB COPY



Crl.O.P.No.3460 of 2023

T.V. THAMILSELVI, J.

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Crl.O.P.No. 3460 of 2023

15.02.2023