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Crl.O.P.No.7909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

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

Crl.O.P.No.7909 of 2023

Kamatchi

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Brammadesam Police Station,  
Tiruvannamalai District.

(Crime No.61 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to enlarge the petitioner/accused on bail, in connection with the  
Crime No.61 of 2023, pending investigation on the file of the respondent  
Police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.C.E.Pratap  
Government Advocate (Crl.Side)



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## **ORDER**

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to Judicial custody on 12.03.2023, for the offence punishable under Sections 294(b) & 307 of IPC, in connection with Crime No.61 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Anjali @ Visalam, is that her husband one Kanniyapan and herself are working as gardeners in the farm house belonging to one Raja and a dispute was already there between the de-facto complainant and the adjacent land owner/accused, on her grazing her cattle in the nearby land. With regard to the same, on 10.03.2023, when the de-facto complainant was alone at home, the accused has abused her and also attempted to murder her by pouring kerosene on her and setting fire. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person, aged about 55 years and she has been falsely



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implicated in this case. He further submitted that due to the previous enmity, the de-facto complainant has given a false complaint as against the petitioner. He also submitted that the petitioner is in custody from 12.03.2023 and she is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that it is the case, where, the petitioner, due to the previous enmity, has abused and attempted to murder the *de-facto* complainant, by pouring kerosene on her and lighting fire, due to which, the de-facto complainant sustained severe burn injuries. He further submitted that though the de-facto complainant was treated as in-patient in Kanchipuram Government Hospital, later she was taken to Kilpauk Government Hospital, where, skin grafting was done to her and thereafter, discharged from the hospital. He also submitted that the investigation is still pending, hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the fact that the injured has been discharged from the hospital 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 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 Judicial Magistrate, Cheyyar**, 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 stay at Chennai and report before the Inspector of Police, T.P.Chatram Police Station, 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.

**12.04.2023**

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To

1. The Judicial Magistrate, Cheyyar.
2. The Inspector of Police,  
Brammadesam Police Station,  
Tiruvannamalai District.
3. The Special Prison for Women,  
Vellore.
4. The Inspector of Police,  
T.P.Chatram Police Station,  
Chennai.
5. The Public Prosecutor,  
High Court of Madras.



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**A.D.JAGADISH CHANDIRA.,J.**

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**12.04.2023**