



Crl.O.P.No.8867 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM

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

Crl.O.P.No.8867 of 2023

Kala

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
Puzhal Police Station,  
Chennai.

(Crime No.70 of 2023).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleased to enlarge the petitioner/accused on bail, in connection with the  
Crime No.70 of 2023, pending investigation on the file of the respondent  
Police.

For Petitioner : M/s.R.Priyanka

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



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Crl.O.P.No.8867 of 2023

## **ORDER**

The petitioner, who was arrested and remanded to judicial custody on 10.03.2023, for the offences punishable under Section 302 IPC @ 147, 148, 302 r/w 120(B) of IPC, in Crime No.70 of 2023, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the de-facto complainant, Ramu, is that his brother's son, Sudhachandar/victim, was having love affair with one Ragavi, whereas, the parents of the said Ragavi performed her marriage with one Vasanth/A3 against her wish. Later, she had eloped with the victim and they were living together. Due to which, the accused, enraged over the same, had waylaid the victim when he was coming in his two wheeler along with Ragavi, and assaulted him indiscriminately with knife, due to which, the victim sustained grievous injuries and died on the spot. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner (A4) is an innocent person and she has been falsely implicated in this case, since she is the mother of A1. He also submitted that the



Crl.O.P.No.8867 of 2023

victim/deceased had eloped with the petitioner's daughter Ragavi, who was already married to one Vasanth, due to which, the petitioner and her family asked the victim to leave her daughter, thereby, there arose a quarrel between them, during which, the incident had happened. He further submitted that A1 & A2 in this case have been granted bail by this Court in Crl.O.P.No7182 of 2023 dated 31.03.2023. He also submitted that the petitioner is in custody from 10.03.2023 and she is ready to abide by any other 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 due to the previous enmity in respect of the elopement of the victim with the petitioner's daughter, who was already given in marriage to A4, the petitioner (A4) along with other accused, have committed murder of the victim by assaulting him indiscriminately with knife. He further submitted that the petitioner was also present at the scene of occurrence and also submitted that the major part of the investigation is over and there is no previous case against the petitioner, however, he vehemently opposed for grant of bail to the petitioner.



Crl.O.P.No.8867 of 2023

WEB COPY

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

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 main accused in this case have been granted bail by this Court 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 District Munsif cum Judicial Magistrate, Madhavaram**, and on further conditions that:

[a] the sureties shall affix their photographs and  
Left Thumb Impression in the surety bond and the



Crl.O.P.No.8867 of 2023

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 everyday at 10.30 a.m., until further orders;**

[c] the petitioner shall not abscond either during investigation or trial;

[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.

**24.04.2023**

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Crl.O.P.No.8867 of 2023

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To

1. The District Munsif cum Judicial Magistrate,  
Madhavaram.
2. The Inspector of Police,  
Puzhal Police Station,  
Chennai.
3. The Central Prison,  
Puzhal, Chennai.
4. The Public Prosecutor,  
High Court of Madras.



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Crl.O.P.No.8867 of 2023

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

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**Crl.O.P.No.8867 of 2023**

**24.04.2023**