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Crl.O.P.No.8735 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM

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

Crl.O.P.No.8735 of 2023

Suganya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Veraiyur Police Station,
Thiruvannamalai.

(Crime No.232 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with
S.c.No.127 of 2022 pending trial on the file of the learned Sessions Judge,
Mahalir Neethimandram, Fast Track Mahila Court, Thiruvannamalai.

For Petitioner : Mr.D.Balaji

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.08.2022 for the offences punishable under Section 302 of IPC, in Crime No.232 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Boopalan is that the accused, who is the wife of the de-facto complainant, was having an illicit relationship with her neighbour one Anbarasan and since, her daughter/victim, aged about 6 years had revealed the same to the de-facto complainant, the accused had assaulted the victim with stick and also dashed her head against the wall and committed murder of her. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that there was a dispute between the petitioner and the de-facto complainant, during which, the de-facto complainant had committed murder of their daughter, whereas, he has given a false complaint



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as against the petitioner. He also submitted that the petitioner was detained under Act 14 and subsequently, the detention order was set aside by this Court in H.C.P.No.1890 of 2022 vide order dated 28.03.2023. He further submitted that investigation in this case has been completed and the case has also been taken up on the file of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thiruvannamalai in S.C.No.127 of 2022. He further submitted that the petitioner is in custody from 09.08.2022, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that since the deceased/victim has revealed the illicit relationship of the petitioner with her neighbour to the de-facto complainant, the petitioner had committed murder of the victim by assaulting her with stick and also dashed her head against the wall. He also submitted that the case has been taken up on the file of the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thiruvannamalai in S.C.No.127 of 2022. However, he opposed for grant of bail to the petitioner.



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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 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.15,000/- (Rupees Fifteen thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thiruvannamalai**, 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;



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[b] the petitioner shall appear before the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thiruvannamalai, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during 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.

21.04.2023

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To

1. The Sessions Judge,
Mahalir Neethimandram,
Fast Track Mahila Court,
Thiruvannamalai.
2. The Inspector of Police,
Veraiyur Police Station,
Thiruvannamalai.
3. The Central Prison,
Special Women Wing, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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