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CrI.OP.No.10051 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.10051 of 2023

Priya

..Petitioner

Vs.

The State Represented by
The Inspector of Police,
G2, Periyamedu,
Chennai.

(Crime No.43 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.43 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.S.Karthikeyan

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
09.03.2023 for the offence punishable under Section 174 Cr.P.C @ Section 302
of IPC, in Crime No.43 of 2023 on the file of the respondent police, seeks bail.



CrI.OP.No.10051 of 2023

2. The case of the prosecution is that the petitioner and the deceased had illegal intimacy. On the date of occurrence, both had liquor and stayed in a private hotel. The petitioner compelled the deceased for physical relationship, for which the deceased refused to do so. Therefore, the petitioner attacked the deceased brutally, due to which he sustained grievous injuries and died. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case and she is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and the deceased had illegal intimacy. On the date of occurrence, both had liquor and stayed in a private hotel. The petitioner compelled the deceased for physical relationship, for which the deceased refused to do so. Therefore, the petitioner attacked the deceased brutally, due to which he sustained grievous injuries and died. Hence, he vehemently opposed to grant bail to the petitioner.



Crl.OP.No.10051 of 2023

WEB COPY

5. It is seen that the petitioner and the deceased had illegal intimacy.

On the date of occurrence, both had liquor and stayed in a private hotel. The petitioner compelled the deceased for physical relationship, for which the deceased refused to do so. Therefore, the petitioner attacked the deceased brutally, due to which he sustained grievous injuries and died. Initially, the case was registered under Section 174 Cr.P.C and thereafter, it has been altered to Section 302 IPC. The petitioner was arrested and remanded to judicial custody on 09.03.2023. It is a case of circumstantial evidence.

6. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 09.03.2023, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his 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 II Metropolitan Magistrate, Egmore 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



Crl.OP.No.10051 of 2023

Aadhar card or Bank pass Book to ensure their identity.

WEB COPY

[b] the petitioner shall report before the respondent Police daily Morning at 10.30 a.m., and Evening 05.00 p.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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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CrI.OP.No.10051 of 2023

WEB COPY

To

- 1.The II Metropolitan Magistrate, Egmore.
- 2.The Inspector of Police,
G2, Periyamedu,
Chennai.
3. The Central Prison for Women,
Puzhal, Chennai-66.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.10051 of 2023

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.10051 of 2023

04.05.2023