



Crl.O.P.No.10731 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10731 of 2023

Janaki

... Petitioner/A3

Versus

State Rep. by
The Sub-Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.

Crime No.170 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.

praying to release the petitioner on bail in Crime No.170 of 2023 pending investigation on the file of the respondent.

For Petitioner : Mr.Sathiyaraj E.

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor



Crl.O.P.No.10731 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 18.04.2023, for the offence punishable under Sections 294(b), 436 & 506(i) of I.P.C., in Crime No.170 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of the previous enmity between the first accused and the de-facto complainant, A1 came to the de-facto complainant's house, abused the de-facto complainant in a filthy language and also set fire to the cattle shed of the de-facto complainant.

3. The learned counsel for the petitioner would submit that the petitioner is the wife of A1 and she is nothing is to do with the alleged offence. He would also submit that even as per the complaint, the alleged occurrence took place on 15.04.2023, whereas, the complaint was lodged on 18.04.2023. Further, the learned counsel for the petitioner would



CrI.O.P.No.10731 of 2023

WEB COPY

submit that the petitioner is an innocent person and she has been falsely implicated in this case and she is in custody from 18.04.2023 Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to the previous the accused have abused the de-facto complainant in a filthy language and also set fire to the cattle shed of the de-facto complainant. He would further submit that the investigation is yet to be completed and if the petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. There is some force in the submission of the learned counsel for the petitioner and taking into consideration of the fact that the petitioner is a lady and since she is in custody from 18.04.2023, further custody of the petitioner is not required for investigation, this Court is inclined to grant bail on the following conditions;



Crl.O.P.No.10731 of 2023

[a] the petitioner shall execute 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 at Cheyyar, Tiruvannamalai.

[b] 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.

[c] the petitioner shall report before the respondent police, as and when required for interrogation.

[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 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]**.



Crl.O.P.No.10731 of 2023

WEB COPY

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10.05.2023

ham/ab

To

1. The Judicial Magistrate,
Cheyyar, Tiruvannamalai.
2. The Sub-Inspector of Police,
Peranamallur Police Station,
Thiruvannamalai District.
3. The Special Prison for Women,
Vellore.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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Crl.O.P.No.10731 of 2023

SUNDER MOHAN, J.

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Crl.O.P.No.10731 of 2023

10.05.2023