



Crl.O.P.No.10760 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.10760 of 2023

Thamarai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sulur Police Station,
Coimbatore District.

(Crime No.199 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in pending investigation in Crime
No.199 of 2023 on the file of the respondent police.

For Petitioner : Mr.R.Selvakumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.04.2023, for the offence punishable under Sections 294(b) and 302 of



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IPC, in connection with Crime No.199 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant/Chithra is that she and the petitioner are neighbours and the petitioner/A2 is the wife of A1 and on the date of occurrence, the petitioner along with A1 have picked up a quarrel with the defacto complainant and when it was questioned by the deceased, the petitioner along with A1 had attacked the deceased with wooden log, as a result of which, the deceased succumbed to injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is a lady, is an innocent person and she has nothing to do with the alleged offence. He further submitted that even as per the prosecution, the attack was made by A1. He also submitted that the petitioner is in custody from 01.04.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner and the defacto complainant



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are neighbours and on the date of occurrence, the petitioner along with A1 have picked up a quarrel with the defacto complainant and when it was questioned by the deceased, the petitioner along with A1 had attacked the deceased with wooden log, as a result of which, the deceased succumbed to injuries. 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 Additional Public Prosecutor for the respondent and perused the entire 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 considering the period of incarceration undergone by the petitioner and also of the fact that the petitioner is a lady and there is no specific overtact attributed as against 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)**



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with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Sulur, Coimbatore District** 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 report before the respondent Police, as and when required for interrogation;

[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]***;



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

10.05.2023

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To

1. The Judicial Magistrate,
Sulur, Coimbatore District.
2. The Inspector of Police,
Sulur Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J

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