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Crl.O.P.No.11151 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

**Crl.O.P.No.11151 of 2023**

1. Ramya  
2. Saraswathi @ Saras

... Petitioners/Accused-2 & 3

Vs.

State Rep by  
The Inspector of Police,  
Arcot Taluk Police Station.  
(Crime No.54 of 2023)

... Respondent/Complainant

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.,  
pleaded to direct the release of the petitioners on bail pending investigation  
in Crime No.54 of 2023 on the file of the respondent police.

For Petitioner : Mr.K.Munusamy  
For Respondent : Mr. E.Raj Thilak  
Additional Public Prosecutor

### **ORDER**

The petitioners who were arrested and remanded to judicial  
custody on 15.03.2023, for the offences punishable under Sections 294(b),  
324 & 307 IPC, later altered to Sections 294(b), 324 & 302 IPC in Crime  
No.54 of 2023 on the file of the respondent police, seek bail.



2. The case of the prosecution is that due to matrimonial dispute between the first petitioner / A2 and her husband, the first petitioner along with second petitioner / A3 and A1 came to *de facto* complainant's house and quarreled with the *de facto* complainant, her husband, mother-in-law, father-in-law and when the *de facto* complainant's husband tried to pacify the situation, A1 assaulted the *de facto* complainant's husband with knife on his fore-head, left hand and left chest and due to which the *de facto* complainant's husband sustained grievous injuries and died.

3. The learned counsel appearing for the petitioners submitted that the petitioners have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody from 15.03.2023. Hence, he prayed for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would vehemently oppose to grant bail to the petitioners stating that the petitioners along with A1 came to *de facto* complainant's house and A1 had attacked the *de facto* complainant's husband and due to which he sustained grievous injuries and died.



5. Heard the learned Counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side and the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners on the following conditions;

[a] The petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Arcot.**

[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 petitioners shall report before the respondent police daily at 10.30a.m., until further orders;**

[d] the petitioners shall not abscond either during investigation or trial;

[e] the petitioners 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



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petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]***;

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

11.05.2023

*bkn/ssr*

To

1. The District Munsif cum Judicial Magistrate, Arcot.
2. The Inspector of Police,  
Arcot Taluk Police Station.
3. The Women Central Prison, Vellore.
4. The Public Prosecutor,  
High Court of Madras.



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**SUNDER MOHAN,J.,**

*bkn/ssr*

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