



Crl.O.P.No.12130 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

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

Crl.O.P.No.12130 of 2023

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... Petitioner

Vs.

The State represented by,
The Inspector of Police,
East Police Station Thiruvannamalai,
Thiruvannamalai District.

(Crime No.243 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.243 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.T.Shanmugam

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 24.04.2023, for the offences punishable under Sections 341, 294(b) and 307 of IPC @ Sections 341, 294(b), 307 and 302 of IPC, in Crime No.243 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Abdhul Nishath is that on 22.04.2023, due to the previous enmity, the accused had waylaid the de-facto complainant, abused him in a filthy language and assaulted him with knife, during which, the de-facto complainant's father and his brother had intervened them and tried to pacify them, whereas, the accused had assaulted them and had also pelted stones on them, due to which, they suffered grievous injuries. Based on the complaint given by the de-facto complainant, a case in Crime No.243 of 2023 was registered for the offence under Sections 341, 294(b) and 307 of IPC. Further, the de-facto complainant's father was admitted in the hospital and treated as in-patient, whereas, he died on 25.04.2023, without responding to

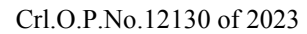


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the treatment. Thereby, the case has been altered to one under Sections 341, 294(b), 307 and 302 of IPC. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, aged about 50 years and she has been falsely implicated in this case. He also submitted that there was a previous enmity between the petitioner's family and the de-facto complainant's family and on the fateful day, there was a quarrel between them, during which, the victim had intervened and unfortunately, the incident had happened. He further submitted that the incident had happened on 22.04.2023 and the case has been registered for the offence under Sections 341, 294(b) and 307 of IPC. and later, on 25.04.2023, when the victim breathed his last, it was altered to one under Sections 341, 294(b), 307 and 302 of IPC. He also submitted that the petitioner is in custody from 24.04.2023 and she is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous dispute, the petitioner



7. Accordingly, the petitioner is ordered to be released on bail on



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her 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 Judicial Magistrate No.II, 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;

[b] the petitioner shall stay at Chennai and report before the Inspector Police, Royapettah Police Station, everyday at 10.30a.m., until further orders. However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, 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



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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.

01.06.2023

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To

1. The Judicial Magistrate No.II,
Thiruvannamalai.
2. The Inspector of Police,
East Police Station Thiruvannamalai,
Thiruvannamalai District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Royapettah Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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