



Crl.O.P.No.13112 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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

Crl.O.P.No.13112 of 2023

Shobana

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
R-10, M.G.R. Nagar Police Station,
Chennai.

(Crime No.148 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to grant bail to the petitioner in Crime No.148 of 2023 pending
investigation on the file of respondent Police.

For Petitioner : Mr.N.Ramesh

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 28.04.2023, for the offence punishable under Sections 341, 294(b), 302, 506(ii) of IPC @ Sections 147, 148, 341, 294(b), 302, 506(ii) r/w 120(B) of IPC, in connection with Crime No.148 of 2023, registered on the file of the respondent Police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/Geetha is that due to the business rivalry, on 27.04.2023, at about 7.50 a.m. near the tea shop, the accused had abused the de-facto complainant's husband and brutally assaulted him with deadly weapons all over the body, due to which, the victim/deceased had sustained grievous injuries and died. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case, since she happens to be the wife of A1/Rakesh. He further submitted that even as per the prosecution, the allegation as against the petitioner is that she had



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conspired together with other accused to do away with the husband of the de-facto complainant, thereby, other than the said allegation, there is no allegation against the petitioner, as if she was present at the scene of occurrence and inflicted injuries on the victim/deceased. He also submitted that the petitioner is in custody from 28.04.2023 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 on account of the business rivalry, the petitioner, who is the wife of A1, along with other accused had conspired together to do away with the victim/deceased and had committed murder of him by assaulting with deadly weapons in the early morning near tea shop. He also submitted that investigation in this case is pending, therefore, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the entire materials available on record.



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6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain condition.

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)** with **two sureties**, each for a like sum to the satisfaction of the **learned XXIII Metropolitan Magistrate, Saidapet, Chennai**, 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, everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

13.06.2023

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To

1. The XXIII Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
R-10, M.G.R. Nagar Police Station,
Chennai.
3. The Special Central Prison,
Puzhal, Chennai - 66.
4. The Public Prosecutor,
High Court of Madras.



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