



Crl.O.P.No.13204 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

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

Crl.O.P.No.13204 of 2023

Reshma

... Petitioner

Vs.

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

(Crime No.90 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.90 of 2023, pending
investigation on the file of the respondent police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)



petitioner is an orphan and she is now pregnant by nine months and she may deliver the baby at any time. He also submitted that when the deceased/victim had come to the petitioner's house, the incident had happened and other than being present at the scene of occurrence, the petitioner has nothing to do with the alleged offence. He also submitted that the petitioner, who is also a victim in this case, is languishing in judicial custody from 04.05.2023 and she is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner (A2) is the wife of A1, who was having an extra marital affair with the deceased/victim. He also submitted that the first accused had not informed the victim about his marital status and when the deceased/victim had gone to the house of the accused, the accused had assaulted her with knife, due to which, she sustained injuries and died in the house of the accused. He also submitted that the body of the deceased was only recovered from the house of the accused. He further submitted that the first accused had not only cheated the deceased/victim, he had also cheated his wife/A2, however he opposed for grant of bail to the petitioner.



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5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent police and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the period of incarceration undergone by the petitioner and also considering that the petitioner is pregnant by 9 months and she may deliver baby at any time, this Court is inclined to grant of bail to the petitioner with certain conditions.

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



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respondent Police, everyday at 10.30 a.m. for a period of one week and thereafter, on every Saturday at 10.30 a.m., 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 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]*;

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

14.06.2023

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To

1. The Judicial Magistrate No.II,
Pollachi.
2. The Inspector of Police,
Mahalingapuram Police Station,
Coimbatore District.
3. The Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,



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