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CrI.O.P.No.14011 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

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

CrI.O.P.No.14011 of 2023

Madhu @ Madhubala

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.

(Crime No.9 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.9 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.G.Babu

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.06.2023 for the alleged offences under Sections 302 r/w 34 of IPC in Crime No.9 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the previous enmity with regard to the partition of the property, the accused persons had committed murder of the de-facto complainant's husband by stabbing him with knife. Hence the case.

3. Learned counsel appearing for the petitioner submitted that petitioner is an innocent person, aged about 20 years and she has been falsely implicated in this case, since she happens to be the wife of the main accused A1. He also submitted that the petitioner is in no way connected with the alleged offence and even as per the prosecution, the occurrence was stated to have been taken place on 08.01.2023, whereas, the petitioner was arrested only after 5 months i.e. on 02.06.2023. He further submitted that the petitioner has been implicated in this case, only based on the confession



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statement from the other accused and apart from the confession statement, no material is available against the petitioner to implicate her in this crime. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.side) appearing for the respondent police submitted that due to the previous enmity on account of the partition of the property, the petitioner (A4), who is the wife of A1, along with other accused, had committed murder of the *de facto* complainant's husband, by assaulting him indiscriminately with knife. He further submitted that the specific overt act attributed as against this petitioner is that she kept watch on the movements of the deceased/victim and reported to the other accused. He also submitted that investigation in this case is still pending hence, he opposed to grant bail to the petitioner.

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.

6. Taking into consideration the facts and circumstances of the



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case, the submissions made by the learned counsel on either sides and also considering the specific overt act attributed as against this 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)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Hosur, Krishnagiri**, 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 Salem and report before the Inspector of Police, Ammapet Police Station, everyday 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



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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.

26.06.2023

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To

1. The Judicial Magistrate No.II, Hosur,
Krishnagiri.
2. The Inspector of Police,
SIPCOT Police Station,
Krishnagiri District.
3. The Sub Jail,
Hosur.
4. The Inspector of Police,
Ammamet Police Station,
Salem.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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