



CrI.OP.No.17713 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.17713 of 2023

Banumathi

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Walajapet Police Station,
Ranipet District.
(Crime No.272 of 2023)

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in Crime No.272 of 2023 on the file of respondent Police.

For Petitioner : M/s.D.Rajalakshmi

For Respondent : Mr.S.Rajakumar

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.07.2023 for the offence punishable under Section 302 I.P.C. 1860, in Crime No.272 of 2023 on the file of the respondent police, seeks bail.



CrI.OP.No.17713 of 2023

WEB COPY

2.It is the submission of the learned counsel for the petitioner that deceased is the habitual drunkard and he used to harass the petitioner who is his wife under the influence of alcohol. As a result and in a fight, unfortunately, the deceased suffered head injuries and died. Petitioner is falsely implicated in a murder case. She is in judicial custody from 03.07.2023. Thus, he prays for grant of bail.

3.In response, the learned Additional Public Prosecutor submitted that deceased is the husband of the petitioner. Deceased used to consume alcohol on a daily basis and there used to be fight between the petitioner and deceased. On 03.07.2023, at about 11.30 p.m., in one such fight, it appears that petitioner had beaten the deceased with wooden reeper on his head. As a result, he suffered head injuries and then succumbed to the injuries.

4.Considered the rival submissions and perused the records.

5.Considering the circumstances leading to the death of the deceased, the fact that petitioner is in judicial custody from 03.07.2023



CrI.OP.No.17713 of 2023

and that substantial part of investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate – 2, Walajapet, Ranipet District**, 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 daily at 10.00.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



WEB COPY



CrI.OP.No.17713 of 2023

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

13.09.2023

ep



WEB COPY



CrI.OP.No.17713 of 2023

To

- 1.The Judicial Magistrate – 2,
Walajapet, Ranipet District.
- 2.The Inspector of Police,
Walajapet Police Station,
Ranipet District.
- 3.Special Prison for Women,
Vellore.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.OP.No.17713 of 2023

G.CHANDRASEKHARAN. J.

ep

Crl.O.P.No.17713 of 2023



WEB COPY



CrI.OP.No.17713 of 2023

13.09.2023