



Crl.O.P.No.19352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19352 of 2023

1.Elaiyarasi

2.Minor Harisudhan

Represented by his Mother, 1st petitioner

...Petitioners

Vs.

The State Rep by
Sub Inspector of Police,
Perambalur Police Station,
Perambalur,
Cr.No.421 of 2023.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.421 of 2023, on the file of the respondent.

For Petitioners : Mr.R.Ganesh kumar

For Respondent : Mr.S.Rajakumar

Additional Public Prosecutor

ORDER

The first petitioner, who was arrested and remanded to judicial custody on 28.06.2023 along with her minor child aged about 2 ½ years



Crl.O.P.No.19352 of 2023

for the offences punishable under Sections 147, 148, 120(B), 302 r/w 34 IPC in Crime No.421 of 2023, on the file of the respondent police, seek bail.

2. It is the submission of the learned counsel for the petitioners that first petitioner is the 15th accused in this case. She is falsely implicated in this case for the reason that she is wife of the 6th accused in this case against whom specific overtact was attributed in the murder of the deceased Selvaraj @ Abdul Rahman. First petitioner is in judicial custody from 28.06.2023 along with her minor child aged about 2 ½ years. Thus, he prays for bail for the petitioners.

3. In response, the learned Additional Public Prosecutor opposed this bail petition on the ground that first petitioner is the wife of the 6th accused. She met the first accused in this case in jail along with her husband. That apart, before the murder, she provided shelter to her husband and some other accused, who had personally participated in the act of the murder. Investigation in this case is not completed. Thus, he prayed for dismissal of this petition.



Crl.O.P.No.19352 of 2023

4.Considered the rival submissions and perused the records.

5.The incriminating circumstances against the first petitioner are that, (i) she met the first accused in the Central Prison along with her husband. (ii) She provided shelter to her husband and other accused who were involved in the murder. First petitioner is a woman and she is in jail from 28.06.2023 along with her minor child aged about 2 ½ years. A17 and A19 in this case had been granted bail.

6.Taking all the above factors into account and that the material part of the investigation in this case might have been completed by this time, this Court is inclined to grant bail to the first petitioner with conditions. Accordingly, the first 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 No.1, Perambalur** and on further conditions that :-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the



Crl.O.P.No.19352 of 2023

Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall report before the respondent police daily morning at 10.00 a.m., until further orders.

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

[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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.

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30.08.2023



Crl.O.P.No.19352 of 2023

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To

1. The Judicial Magistrate No.1,
Perambalur.
- 2.The Sub Inspector of Police,
Perambalur Police Station,
Perambalur,
Cr.No.421 of 2023.
- 3.The Central Prison,
Trichy.
- 4.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.19352 of 2023

G.CHANDRASEKHARAN. J.

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Crl.O.P.No.19352 of 2023

30.08.2023