



Crl.O.P.No.21705 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.21705 of 2023

V.Lakshmi

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Anicut Police Station,
Vellore District.
Crime No.101 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No. 101 of 2023 on the file of the respondent police.

For Petitioner : Mr.M.Sathish Kumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.21705 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.06.2023 for the offence punishable under Sections 294(b), 498(A), 307 and 109 of IPC in Crime No.101 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused for the offences punishable under Sections 294(b), 498(A), 307 and 109 of IPC in Crime No.101 of 2023. Petitioner is in Judicial Custody from 10.06.2023. Thus, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor submitted that, defacto complainant and the first accused got married on 09.09.2022. Due to wed-lock, she was pregnant. However, first accused on the suspicion that, defacto complainant had become pregnant because of the illegal intimacy with someone, picked frequent quarrel with the defacto complainant. Petitioner also instigated the 1st accused. Therefore, defacto complainant left the matrimonial home and living



Crl.O.P.No.21705 of 2023

with her parents. On 14.06.2023, child was born to the defacto complainant. On 10.07.2023 at about 10.00 a.m., petitioner had visited the CMC Hospital and saw the baby. On seeing the baby, petitioner told that, facial resemblance of the baby is not like that of the 1st accused. Petitioner told that, child was born to someone else and instigated the 1st accused to do away the defacto complainant and child. As a consequence, 1st accused took a small knife from his pocket and caused cut injuries on the neck and right hand of the child.

4. Considered the submissions and perused the records.

4.1. This is the second bail petition filed by the petitioner. Earlier bail petition filed by the petitioner in Crl.O.P.No.18245 of 2023 was dismissed on 23.08.2023, considering the gravity and seriousness of the offence and the role of the petitioner, in instigating the 1st accused to commit the offence of cutting the neck and right hand of the just born baby. Petitioner is in judicial custody from 10.06.2023. She is a woman. The investigation in this case is completed. Considering all these facts,



Crl.O.P.No.21705 of 2023

this Court is inclined to grant bail to the petitioner with conditions and 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 No.V, Vellore, Vellore 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 as and when required for interrogation.

[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 petitioner released on bail by the learned Magistrate/Trial



Crl.O.P.No.21705 of 2023

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.

20.09.2023

gd

To

1.The Judicial Magistrate No.V,
Vellore, Vellore District.

2.The Inspector of Police,
Anicut Police Station,
Vellore District.

3.The Central Prison,
Vellore, Vellore District.

4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.21705 of 2023

G.CHANDRASEKHARAN. J.

gd

Crl.O.P.No.21705 of 2023

20.09.2023