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Crl.OP.No.24363 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.OP.No.24363 of 2023

1.Sankar
2.Ettammal

...Petitioners

Vs.

State by
The Inspector of Police,
Thellar Police Station,
Tiruvannamalai District.
(Crime No.175 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioners/Accused 1 & 2 on bail concerned in
Crime No.175 of 2023 pending on the file of the respondent police.

For Petitioners : Mr.R.Thirumoorthy

For Respondent : Mr.R.Kishore Kumar
Government Advocate (Crl. Side)



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 06.09.2023 for the offences punishable under Sections 294(b), 324, 302 & 506(ii) of IPC, in Crime No.175 of 2023 on the file of the respondent police, seek bail.

2.The petitioners are spouses. It is stated that between the petitioners and the defacto complainant there was a land dispute. The overt act as against the 2nd accused is that she pulled the hair of the deceased and her husband/A1 appears to have caused fatal injuries to the deceased.

3.It is also stated that there is one more accused in this case, who is arrayed as A3.

4.Taking into consideration the period of incarceration, in so far the 2nd accused is concerned, I am inclined to grant bail to the 2nd accused



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alone with certain conditions. In so far as the 1st petitioner/A1 is concerned, considering the gravity of offence, I am not inclined to grant bail to the 1st accused and hence, bail sought by the 1st petitioner stands dismissed.

5. Accordingly, the 2nd petitioner is ordered to be released on bail on condition to execute 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 Judicial Magistrate, Chidambaram, 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 2nd petitioner shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the 2nd petitioner shall not abscond either during investigation or trial.

[d] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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.

19.10.2023

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To

- 1.The Judicial Magistrate, Chidambaram.
- 2.Special Prison for Women, Vellore.
- 3.The Inspector of Police,
Thellar Police Station,
Tiruvannamalai.
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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