



WEB COPY



Crl.O.P.No. 24528 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM

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

Crl.O.P.No.24528 of 2023

Sivagami

... Petitioner

Vs.

The State rep. by:-
The Inspector of Police,
Kandhili Police Station,
Kandhili, Thirupathur District.
(Crime No.297 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.297 of 2023
pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Vinodhkumar

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

ORDER

The petitioner/A1, who was arrested and remanded to judicial
custody on 17.08.2023, registered by the respondent Police for the offence



CrI.O.P.No. 24528 of 2023

under Sections 294(b), 323, 302 of IPC, in Crime No.297 of 2023, seeks bail.

2.It is stated that the deceased is the husband of the petitioner herein/A1. The deceased had suspected the fidelity of the petitioner and owing to extreme frustration, the petitioner appears to have given a wooden log to A2, who is actually her son and a minor and a juvenile and the deceased was assaulted which led to his death on the next day.

3.Taking into consideration the long period of incarceration and also that the petitioner is a lady, this Court is inclined to grant bail to the petitioner with certain conditions.

4. Accordingly, the 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 learned Judicial Magistrate No.II, Thirupathur 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 10.30 a.m., until further orders;



CrI.O.P.No. 24528 of 2023

[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 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.

30.10.2023

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To

1. The Judicial Magistrate No.II, Thirupathur.
2. The Inspector of Police,
Kandhili Police Station,
Kandhili, Thirupathur District.
3. The Special Prison for Women, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No. 24528 of 2023

C.V.KARTHIKEYAN, J.

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Crl.O.P.No.24528 of 2023

30.10.2023