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CrI.O.P.No.25184 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

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

CrI.O.P.No.25184 of 2023

A.Valarmathi @ Selvi

... Petitioner/Accused-2

Vs.

State by
The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.

(Crime No.371 of 2023)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.
praying to enlarge the Petitioner on bail concerned in Crime No.371 of
2023 on the file of the respondent police.

For Petitioner : Mr.C.Sivakumar

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



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ORDER

The petitioner seeks bail in Crime No.371 of 2023, registered by the respondent police for the offences punishable under Sections 294(b) & 307 of IPC and subsequently altered to Section 302 of IPC. The petitioner had been taken into custody on 23.09.2023.

2.It had been stated that the deceased and A2/the present petitioner herein had a relationship, which was objected by A1, the son of A2/petitioner herein. The learned counsel for the petitioner however stated that it was not a relationship, but the deceased had given sexual torture to the petitioner herein continuously. It is stated that this was objected to A1, after he had grown up.

3.It had also been stated that earlier, a Crime No.73 of 2023 was registered against A1, when the deceased went over to the house, he objected to the presence of the deceased in the house. Subsequently, the present crime number had been registered. It is stated that in the road the



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deceased was assaulted. Originally, the offence, which was indicated was under Section 307 of IPC and later it had been altered to Section 302 of IPC.

4.Taking into consideration the fact that the petitioner/A2 could also be considered as a victim of the sexual torture advanced by the deceased, even though it could also be said that she is a consenting partner and either one of the two facts will have to be established during the course of trial, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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 Judicial Magistrate, Gudiyatham, 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 everyday at 10.30 a.m., until further orders.



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[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.

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To

1. The Judicial Magistrate, Gudiyatham.
2. The Women Prison, Vellore.
3. The Inspector of Police,
Gudiyatham Taluk Police Station,
Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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