



Crl.O.P.No.27864 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM

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

Crl.O.P.No.27864 of 2023

Kaviya W/o. Thiagarajan

... Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
Walajapet Police Station,
Vellore District.

(Crime No.369 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in S.C.No.09 of 2020 on the file of the
Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court),
Vellore.

For Petitioner : Mr.S.Silambuselvan

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



WEB COPY



CrI.O.P.No.27864 of 2023

ORDER

The petitioner, who was actually A2 in S.C.No.09 of 2020 before the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Vellore, seeks bail. Originally, Crime No.369 of 2019 had been registered by the respondent police for the offences punishable under Section 302, 201, 34 of IPC r/w Section 75 of JJ Act, 2015. The petitioner had been remanded to custody on 16.11.2023.

2.The petitioner had been earlier granted bail but a Non-bailable Warrant was issued on 16.02.2023 and the petitioner had been taken back into custody on 16.11.2023. The 1st accused had died by hanging in the prison itself.

3.It is the case of the prosecution is that the petitioner, who is a married lady and had a young child, had left her husband and started living with the 1st accused. Thereafter, they found the child to be an obstruction and therefore, the child was murdered by dipping in a bucket of water.



Crl.O.P.No.27864 of 2023

WEB COPY

4.The petitioner had been actually granted bail earlier and but since she did not attend Court, NBW was issued.

5.The learned counsel for the petitioner stated that the reason for issuance of the said NBW was that she suffered leg injury and therefore, could not go to the Court. This fact was sought to be verified by the prosecution and the learned Government Advocate (Crl. Side) forwarded a letter from the Medical Superintendent from the jail, who stated that it is a fact that the petitioner had an old leg injury.

6.Taking all the factors into consideration, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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 fresh sureties, each for a like sum to the satisfaction of the Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Vellore, and on further conditions that: -



Crl.O.P.No.27864 of 2023

WEB COPY

[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 appear before the Trial Court on every Monday at 10.30 a.m., till completion of trial, apart from the Court hearing dates.

[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.

19.12.2023

ata



WEB COPY



CrI.O.P.No.27864 of 2023

To

1.The Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court),
Vellore.

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

3.The Central Prison for Women, Vellore.

4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN, J.



WEB COPY



CrI.O.P.No.27864 of 2023

ata

CrI.O.P.No.27864 of 2023

19.12.2023