



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/02/2023
PRESENT

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The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3733 of 2023

Vishnu Priya

... Petitioner/Accused No.5

Vs

The State Rep. By
The Inspector of Police,
Cholapuram Police Station,
Thanjavur District.
Crime No.24/2023.

... Respondent/Complainant

For Petitioner : Mr.C.SURESH KANNAN, Advocate
For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

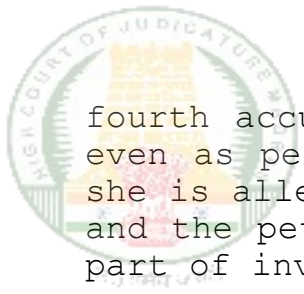
PRAYER :- For Bail in Cr No.24/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 10.01.2023 for the offence punishable under Sections 147, 148, 341, 342, 294(b), 302 and 506(ii) IPC in Crime No.24 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Vanitha is that on account of land dispute, the accused waylaid the defacto complainant and her husband while they were going in Honda Activa and inflicted injuries resulting in her husband's instantaneous death. Hence, the case came to be registered.

3. The learned counsel appearing for the petitioner would submit that petitioner is an innocent woman and she has been falsely implicated in this case. He would further submit that admittedly, there was land dispute between the family of the accused and the defacto complainant's family and the defacto complainant has given a false complaint implicating the entire family members. He would also submit that the first accused is the father of the petitioner and the second and third accused are brothers of the petitioner and the



fourth accused is the husband of the petitioner. He would at even as per the FIR, the allegation against the petitioner is that she is alleged to have instigated the other accused to commit murder and the petitioner is in judicial custody from 10.01.2023 and major part of investigation is also over and hence he seeks bail.

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4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to land dispute the accused have waylaid the defacto complainant and her husband while they are going in a two wheeler and indiscriminately assaulted her husband resulting in her husband's instantaneous death. The allegation as per the defacto complainant is that the petitioner has instigated her father, brothers and husband to commit murder. He would oppose for grant of bail to the petitioner.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the nature of allegations and the period of incarceration this court is inclined to grant bail to the petitioner , subject to the following conditions:

[a] 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, Thiruvudaimaruthur, Thanjavur District**, and on further conditions that:

[b] 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.

[c] **the petitioner shall stay at Trichy and report before the Cantonment Police Station, Trichy daily at 10.30 a.m. until further orders.**

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

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

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].



[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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27/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE,
SPECIAL PRISON FOR WOMEN, TRICHY.
- 4 THE INSPECTOR OF POLICE,
CHOLAPURAM POLICE STATION, THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TRICHY DISTRICT.

+1. CC to Mr.C.SURESH KANNAN, Advocate SR.No.2941

ORDER

IN

CRL OP(MD) No.3733 of 2023

Date :27/02/2023

SA/SSS/SAR. /27.02.2023/3P/8C