



CrI.O.P.No.2000 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM

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

CrI.O.P.No.2000 of 2024

Lakshmi

...Petitioner/Accused-2

Vs.

State represented by
The Inspector of Police,
T-3, Korattur Police Station,
Thiruvallur District.

(Crime No.540 of 2017)
...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in S.C.No.117 of 2017 on the file of the II Additional District and Sessions Judge, Thiruvallur at Poonamallee, on such terms and conditions.

For Petitioner : Mr.M.Prakash

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)



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ORDER

The petitioner/A2 in S.C.No.117 of 2017, now pending trial before the learned II Additional District and Sessions Judge, Thiruvallur at Poonamallee, seeks bail. Originally, Crime No.540 of 2017 had been registered for the offences under Sections 302 and 201 of IPC with respect to an occurrence which took place on 28.02.2017.

2.It is stated that the petitioner had been earlier granted bail, but she absconded from judicial process and a Non-bailable warrant was issued against her on 02.08.2019 and the same was executed on 19.06.2023.

3.The earlier application seeking bail was dismissed by this Court on 02.01.2024 in CrI.O.P.No.28913 of 2023. It had been observed that P.W.1 alone had been examined in chief but not yet cross-examined. It is today stated that four further witnesses had been examined in chief but an application under Section 311 of Cr.P.C., had been filed seeking to



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recall them for cross-examination.

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4.Taking into consideration the period of incarceration and all other factors, 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 fresh sureties, each for a like sum to the satisfaction of the Additional District and Sessions Court II, Poonamallee, 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 appear before the Additional District and Sessions Court II, Poonamallee, on every Monday at 10.30 a.m., apart from the Court hearing dates, till completion of trial.

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



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[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.

02.02.2024

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To

1. The Additional District and Sessions Court II, Poonamallee.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
T-3, Korattur Police Station,
Thiruvallur District.
4. The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.
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