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Crl.O.P.No.4406 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

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

Crl.O.P.No.4406 of 2024

Nagalakshmi

... Petitioner

Vs.

State represented by
Inspector of Police,
Kumaratchi Police Station,
Cuddalore.
(Crime No.161 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.161 of 2023 on the file of
the respondent.

For Petitioner : Mr.T.Shanmugam

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

ORDER

The petitioner/A1 who was arrested and remanded to judicial
custody on 24.12.2023, for the offences originally registered under Section
174 Cr.P.C and later, altered to Sections 109, 120(B), 302 and 341 of IPC in



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Crime No.161 of 2023 on the file of the respondent Police, seeks bail.

2. It is stated that the petitioner/A1 and one Thankapandiyan were in relationship to the direct disadvantage of the husband of the petitioner who is the deceased. It is stated that the petitioner had instigated A3 and A4 to commit the murder of her own husband.

3.A counter affidavit had been filed giving the status of investigation and it is seen that the Investigating Officer had recorded the statement of 14 witnesses. In the counter affidavit, it had also been stated that A2, Thankapandiyan is in Dubai and there is possibility of the petitioner also relocating herself to Dubai.

4.The learned counsel for the petitioner therefore stated that the petitioner would surrender her passport, if it is available.

5.In this connection, let an affidavit be filed at the time of executing sureties, if she has no passport. But that is a fact which will have to be verified by the learned Judicial Magistrate II, Chidambaram. It would be in the interest of the petitioner that she deposits her passport before the Court.

6.It is stated by the learned Government Advocate (crl.side) that after completion of the investigation, the final report had been filed and taken



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cognizance as P.R.C.No.8 of 2024. He further stated that the respondent had also issued look out notice for the absconding accused/A2 who is in abroad.

7.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

8.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, Chidambaram 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 on everyday at 10.30 a.m., until further orders.

[c] the petitioner shall deposit her passport in the credit of Crime No.161 of 2023 before the Judicial Magistrate No.II, Chidambaram.

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

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



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[f] 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].

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

13.03.2024

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To

- 1.The Judicial Magistrate No.II, Chidambaram.
2. The Inspector of Police,
Kumaratchi Police Station,
Cuddalore.
- 3.The Woman Central Prison, Vellore.
4. The Public Prosecutor, High Court of Madras.

C.V.KARTHIKEYAN, J.

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