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Crl.O.P.No.19147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19147 of 2024

Mohanavalli

...Petitioner/Accused

Vs.

The State rep by,
The Inspector of Police,
M 5, Ennore Police Station,
Chennai.
(Crime No.390 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.390 of 2024 on the file of respondent police.

For Petitioner : Mr.M.Rajavelu

For Respondent : Mr.S.Vinothkumar
Government Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.07.2024 for the offences under Sections 147, 148 and 302 of the IPC r/w 34 of the IPC and 201 of the IPC, in Crime No.390 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to previous enmity, one Jeevaraj/first accused in this case, and some other persons brutally murdered the grandmother of one Mahesh. The vehicle that was used in the said murder was taken from the petitioner's house. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution, and she has been falsely implicated in this case. He further submitted that the co-accused in this case had already been granted bail by this Court vide orders dated 18.07.2024 and 30.07.2024 in CrI.O.P.Nos.16915 and 18008 of 2024. He further submitted that the petitioner has been in custody since 05.07.2024. Hence, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent submitted that the deceased was aged about 65 years. He further submitted that the petitioner was arrested on 05.07.2024; and that the petitioner was arrested based on the confession of the co-accused, and the investigation is still pending.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the co-accused were granted bail by this Court, and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Tiruvotriur, Tiruvotriur*** and on further conditions that:-



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- [a]the petitioner shall report before the Jurisdictional Magistrate on every working day at 10.30 a.m.,until further orders;**
- [b]the petitioner shall not abscond either during investigation or trial;
- [c]the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [d]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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

08.08.2024

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To

- 1.The Judicial Magistrate Tiruvotriur,
Tiruvotriur.
- 2.Special Prison for Women in Central Prison,
Puzhal,
Chennai.
- 3.The Inspector of Police,
M 5, Ennore Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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