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Crl.O.P.No.20684 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM

MR.JUSTICE N.SESHASAYEE

Crl.O.P.No.20684 of 2024

Leema Rosemary

... Petitioner

Vs.

State represented by,
The Inspector of Police
Muthapudupet Police Station
Avadi City, Thiruvallur District
(Cr.No.178 of 2024)

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in Crime No.178 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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 06.07.2024, for the alleged offence punishable under Section 174 of CrPC @ 302 of IPC, in Crime No.178 of 2024, on the file of the respondent police, seeks bail.

2. The petitioner is alleged to have been murdered her husband by strangling him to death. The occurrence had taken place on 11.05.2024. The wife had lodged a complaint to the police that her husband consumed alcohol and died. The police promptly registered a case under Section 174 of CrPC @ 302 of IPC, in Crime No.178 of 2024. The body was removed by the police for autopsy, post mortem report revealed that it is a case of death by asphyxia and ligature marks were also formed around the neck. The investigation agency then altered the case under Section 302 of IPC. The course of investigation is said to have disclosed that the victim of the crime was an alcoholic and it appears to have become unbearable and she has strangled her husband to death.

3. Denying prosecution version, learned counsel for the petitioner



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submitted that petitioner is not involved and she was arrested on 06.07.2024 and the petitioner is having a girl child. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the investigation is substantially completed. However, he opposed to grant bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on her 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, Ambattur, and on further conditions that:

[a] the petitioner shall report before the Judicial Magistrate, Ambattur everyday at 10.30 a.m., for a period of 30 days. Thereafter, weekly once for a period of one month. Thereafter, the petitioner is also at liberty to move the Sessions Court for further modification of conditions, if required.

[b] the petitioner shall not abscond either during investigation or trial;



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- [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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves 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 269 of BNS.

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To

- 1.The Judicial Magistrate
Ambattur
- 2.The Special Prison for Women
Puzhal, Chennai
- 3.The Inspector of Police
The Inspector of Police
Muthapudupet Police Station
Avadi City, Thiruvallur District
- 4.The Public Prosecutor,
High Court of Madras



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N. SESHASAYEE, J.

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