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Crl.O.P.No.23023 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.23023 of 2024

Malar

... Petitioner

Vs.

The State represented by,
The Sub Inspector of Police,
Alangayam Police Station,
Thirupathur District.
(Crime No. 224 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No. 224 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.06.2024, for the alleged offence punishable under Section 174 of
Cr.P.C., @ 456, 302, 404 of IPC @ 456, 302, 404, 414, 201 of IPC in Crime



CrI.O.P.No.23023 of 2024

No. 224 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 26.06.2024, at about 6.30 p.m, when the deceased, Anumakkal, aged 80 years was sleeping in her house, at that time, the petitioners trespassed into her house, murdered the deceased and also stolen two nose studs, a pair of ear rings and two silver anklets from the deceased. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submit that the petitioner is an innocent person and she has been falsely implicated in this case. He further submit that she has not committed any offence as alleged by the prosecution. He further submit that there is no specific overt act against the petitioner and she is in judicial custody for more than 75 days. Hence, he prayed for bail stating that, the petitioners are ready to abide by any stringent conditions that may be imposed by this Court.



Crl.O.P.No.23023 of 2024

WEB COPY

4. Learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the first accused is grand-son of the deceased and the second petitioner is the mother of A1. On the date of the incident, the accused person trespassed into the deceased house, murdered her and also stolen two nose studs, a pair of ear rings and two silver anklets from the deceased. He further submit that the property was recovered from the petitioner. He further submit that the investigation was completed and the charge sheet was also filed and she has no previous case, pending against her. However, he opposed to grant bail to bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and also perused the materials available on record.

6. Considering the nature of offence, and considering the period of incarceration undergone by the petitioner, investigation was completed and the charge was also filed, and property was recovered, and the petitioner has no previous case, pending against her, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



Crl.O.P.No.23023 of 2024

WEB COPY

7. 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 Judicial Magistrate No.III, Thirupathur, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate, on all working days at 10.30 a.m., until further orders.

[b] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[c] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;



WEB COPY



CrI.O.P.No.23023 of 2024

[d] the Petitioner shall not abscond either during investigation or trial;

[e] 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]; and

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

19.09.2024

drl

To

- 1.The Judicial Magistrate No.III,
Thirupathur.
- 2.The Sub Inspector of Police,
Alangayam Police Station,
Thirupathur District.
- 3.The Superintendent,
Special Prison for Women, Vellore.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.23023 of 2024

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Crl.O.P.No.23023 of 2024

19.09.2024