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Crl.O.P.No.25548 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM

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

Crl.O.P.No.25548 of 2024

Poongodi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Appakoodal Police Station,
Erode District.
(Crime No. 225 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.225 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.V. Balamurugane

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 11.09.2024, for the alleged offence punishable under Section 194 of BNS
altered into Section 108 of BNS, in Crime No.225 of 2024, on the file of the



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respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that on 09.08.2024 at about 10.30 a.m, due to money dispute, between the petitioner and the deceased, for which, the petitioner abetted the deceased to commit suicide by hanging. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. She has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 40 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there are totally three accused in this case and the petitioner herein is arrayed as A1. He further submits there was a money dispute between the petitioner and the deceased. He further submits that the petitioner had borrowed a sum of Rs.1,50,000/- from the deceased,



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when the same was questioned, the petitioner abetted the deceased to commit suicide by hanging. He further submitted that the petitioner has no previous case, pending against her. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the nature of offence levelled against the petitioner, there was a money dispute between the petitioner and the deceased, the petitioner has no previous case pending against her, considering the period of incarceration undergone by the petitioner, and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

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 learned Judicial Magistrate No.I, Bhavani and on further conditions that:-

[a] the petitioner shall report before the respondent police, daily at



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10.30 a.m., until further orders.

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[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;

[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



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

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drl

To

- 1.The Judicial Magistrate Court No.I,
Bhavani
- 2.The Inspector of Police,
Appakoodal Police Station,
Erode District.
- 3.The Superintendent,
District Prison, Gobichettipalayam.
- 4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.



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