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Crl.O.P.No.25633 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.25633 of 2024

Sajitha Banu

... Petitioner

Vs.

The State represented by,  
The Inspector of Police,  
V-1 Villivakkam Police Station,  
Chennai.  
(Crime No. 71 of 2024).

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 483 of B.N.S.S.,  
pleaded to enlarge the petitioner on bail, in Crime No.71 of 2024 on the file  
of the respondent Police.

For Petitioner : Mr.V.Saravanan

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

### **ORDER**

The petitioner, who was arrested and remanded to judicial custody  
on 24.07.2024, for the alleged offence punishable under Section 174 of



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Cr.P.C @ 302 of IPC, in Crime No.71 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that, she is the wife of the deceased. On 28.02.2024 at about 8.45 a.m., while the defacto complainant's husband was going to his office, he suddenly became unconscious and fell down. He was taken to the Government hospital. Initially, the case was registered under Section 174 of Cr.P.C. During the investigation, it came to know that the petitioner had illegal intimacy with several persons and she was also involved in prostitution, due to this, there was a wordy quarrel between the petitioner and the deceased, during which, she murdered her husband by strangulating him with her saree and pretended as if he died due to fits. Thereafter, the Section has been altered into 302 of IPC. 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 further submits that the deceased is the husband of the petitioner and he died due to



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illness. He would further submit that the petitioner was arrested and is in judicial custody from 24.07.2024 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 the petitioner is the wife of the deceased. She had illegal intimacy with several people and was also involved in prostitution. Due to this, there was a wordy quarrel between the petitioner and the deceased, during which, the petitioner murdered her husband by strangulating him with her saree and pretended he died due to illness. Initially, the case was registered under Section 174 of Cr.P.C, and later based on the post mortem report, the Section was altered to Section 302 of IPC. He further submits that the petitioner has no previous case, pending against her. He further submits that investigation was completed and the charge sheet was also filed in PRC.No.116 of 2024. However, he opposed to grant bail to the petitioner.



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

6. Considering the nature of offence charged against the petitioner, considering the period of incarceration undergone by the petitioner, the petitioner has no previous case, pending against her, investigation was completed and the charge sheet was also filed 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 XIII Metropolitan Magistrate, Egmore, Chennai, and on further conditions that:-

[a] the petitioner shall report before the concerned Jurisdictional Magistrate daily 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



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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

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

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To

- 1.The Metropolitan Magistrate No.XIII,  
Egmore, Chennai.
- 2.The Inspector of Police,  
V-1 Villivakkam Police Station,  
Chennai.
- 3.The Superintendent,  
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,  
High Court of Madras.

**P.DHANABAL, J.**



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