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Crl.O.P.No.28795 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28795 of 2024

Roja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Steel Plant Police Station,
Salem District.
(Crime No.308 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, pleaded to enlarge the petitioner on bail, in connection with the Crime No.308 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A2, who was arrested and remanded to judicial custody on 20.10.2024 seeking bail in Crime No.308 of 2024 registered for the offence under Sections 296(b), 115(2), 118(1), 109(1) and 103(1) of BNS.



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2. The case of the prosecution is that due to the property dispute, the first accused, who is the brother of the de facto complainant's husband/deceased, along with his wife/A2, had abused the de facto complainant and her family members and assaulted the de facto complainant's husband/victim with knife and iron pipe, due to which, the victim sustained injuries and died on the way to the hospital. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case since she is the wife of the first accused. He also submitted that the specific overt act attributed against the petitioner is that she had assaulted the victim with iron rod, whereas, in the Post-mortem Report, it is stated that the victim died due to stab injury in his abdomen. He further submitted that the petitioner is in custody from 20.10.2024 and since both the petitioner/A2 and her husband/A1 are in judicial custody, there is no one to take care of their two children, hence, he prayed for grant of bail to the petitioner stating that she is ready to abide by any stringent conditions that may be imposed by this Court.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing for grant of bail to the petitioner, submitted that due to the property dispute, the petitioner/A2 along with her husband/A1 had committed murder of the de facto complainant's husband, who is the brother of A1, by stabbing him with knife and assaulting with iron pipe. He further submitted that major part of the investigation is over.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent Police.

6. Taking into consideration the above facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the period of incarceration undergone by the petitioner and also considering the welfare of the petitioner's children, 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 her



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executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Salem**, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Dharmapuri and report before the Inspector of Police, Dharmapuri Town Police Station, everyday at 10.30 a.m., until further orders. However, it is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police, until further orders;

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

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] 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]***;



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

19.11.2024

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To

1. The Judicial Magistrate No.I,
Salem.
2. The Inspector of Police,
Steel Plant Police Station,
Salem District.
3. The Superintendent,
Central Prison,
Salem District.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Dharmapuri Town Police Station,
Dharmapuri.



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A.D.JAGADISH CHANDIRA.,J.

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