



Crl.O.P.No.28904 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

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

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Jayanthi

... Petitioner

Vs.

The Inspector of Police,
Uthiramerur Police Station,
Uthiramerur.

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS Act, pleaded to enlarge the petitioner/proposed accused No.2 on bail in S.C.No.93 of 2022 on the file of the learned Principal District and Sessions Judge, Kancheepuram.

For Petitioner : Mr.S.Gunasekar

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

ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 08.11.2024 in S.C.No.93 of 2022 pending on the file of the learned Principal District and



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Sessions Judge, Kancheepuram, for the offence under Section 302 r/w 201 of IPC, pursuant to the order passed by the learned Sessions Judge under Section 319 Cr.P.C on 01.08.2024 based on the evidence of PW16.

2. Learned counsel for the petitioner submitted that the petitioner was not arrayed as an accused in the First Information Report nor in the final report filed by the respondent. He further submitted that the petitioner is examined as PW1 in S.C.No.93 of 2022, whereas, during the course of the trial, based on the evidence of PW16, the petitioner was added as an accused vide order dated 01.08.2024. He further submitted that the petitioner had challenged the impugned order dated 01.08.2024 before this Court in CrI.R.C.No.1355 of 2024 and this Court, by an order dated 19.09.2024, had dismissed the revision and against the same, the petitioner had preferred a Special Leave Petition before the Hon'ble Apex Court and it is yet to be numbered. He also submitted that the petitioner, who is the mother of the deceased, undertakes that she will appear before the trial Court on all hearing dates without fail and she will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.



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3. Learned Government Advocate (Crl.Side) appearing for the respondent, while objecting for grant of bail, submitted that the petitioner was initially cited as a witness (PW1) in S.C.No.93 of 2022 pending on the file of the Principal District and Sessions Court, Kancheepuram, however, during the course of investigation, based on the evidence of PW16, the involvement of the petitioner came to light, thereby, she was arrayed as an accused in this case. Thereby, the respondent Police had arrested the petitioner on 08.11.2024.

4. 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.

5. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the fact that only during the trial, the petitioner was implicated as an accused in this case based on the evidence of PW16 and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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6. 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 **Principal District and Sessions Judge, Kancheepuram**, 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 appear before the learned **Principal District and Sessions Judge, Kancheepuram**, on all working days at 10.30 a.m., for a period of two weeks and thereafter, on the dates fixed by the learned trial Judge;

[c] the petitioner shall not abscond during the trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during 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



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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];***

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

20.11.2024

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To

1. The Principal District and Sessions Court,
Kancheepuram.
2. The Inspector of Police,
Uthiramerur Police Station,
Uthiramerur.
3. The Superintendent,
Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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