



Crl.O.P.No.29899 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.29899 of 2024

Saraswathi

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.

(Crime No.941 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.941 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.Chandrasekar

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 02.11.2024, seeking bail in Crime



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No.941 of 2024 registered for the offence under Sections 296(b), 118(1), 351(3) of BNS @ Section 103 BNS.

2. The case of the prosecution is that the petitioner's husband/deceased, in an inebriated condition, had attacked the petitioner as well as his intellectually disabled daughter, due to which, the petitioner, who was provoked by the activities of the petitioner, in order to defend herself and her daughter, had assaulted her husband with hammer, as a result of which, he sustained fatal injuries and died. 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. He further submitted that even the allegation stated by the prosecution would make it clear that it is only to exercise the right of private defence, the petitioner had attacked the deceased. He further submitted that the petitioner is in custody from 02.11.2024 and the petitioner is the only person to take care of her three children, out of whom, one child is mentally challenged, hence, he prayed that the petitioner may be enlarged on bail.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that in order to defend herself and her mentally challenged daughter from her husband/victim, the petitioner had assaulted her husband, due to which, he died without responding to the treatment. He further submitted that the major part of the investigation is over.

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

6. Considering the nature of allegation, the submissions made by the petitioner's counsel, the period of incarceration undergone by the petitioner and since the further custody of the petitioner is not required for the purpose of investigation, 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 his 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**



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Magistrate No.II, Ponneri, 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 report before the respondent Police, everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for further interrogation ;

[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]***;

[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 Judicial Magistrate No.II,
Ponneri.
2. The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN., J.

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