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Crl.O.P.No.30208 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2024

CORAM

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

Crl.O.P.No.30208 of 2024

Kalaivani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
T-17 Perumbakkam Police Station,
Chengalpattu District.
(Crime No.301 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.301 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.Moulidaran

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

ORDER

Petition seeking bail in respect of Crime No.301 of 2024 registered for the offences punishable under Sections 61(2), 103(1) of BNS and later altered under Sections 61(2), 103(1), 191(2) and 191(3) of BNS, is on board for consideration.



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2. The incarceration of the petitioner being from 20.09.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that the petitioner/A4, other than present at the scene of occurrence, has nothing to do with the alleged offence. He further submits that the co-accused in this case has been granted bail by this Court in CrI.O.P.No.30178 of 2024 dated 03.12.2024 and the petitioner is ready to abide by any stringent condition that may be imposed by this Court.

3. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that due to previous enmity, the accused conspired together and murdered the husband of the de facto complainant by dropping a grinder stone on his head. He further submits that the case is under investigation and six previous cases are pending against the petitioner.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent Police



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and considering the period of incarceration undergone by the petitioner and that the co-accused has been enlarged on bail, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on her 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.II, Alandur**, 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, on every Saturday at 10.30 a.m., 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



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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.

04.12.2024

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To

1. The Judicial Magistrate No.II,
Alandur.
2. The Inspector of Police,
T-17 Perumbakkam Police Station,
Chengalpattu District.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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