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Crl.O.P. No. 30291 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

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

Crl.O.P.No. 30291 of 2024

Karpagam

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Cr.No. 115 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail pending
investigation in Crime No.115 of 2024 on the file of the respondent Police.

For Petitioner : Mr.J. Pradeep

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

ORDER

Petition seeking bail in respect of Crime No.115 of 2024 registered for
the offences punishable under Section 174(3) Cr.P.C. @ Section 306 IPC is on
board for consideration.



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2.The incarceration of the petitioner being from 25.11.2024 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 husband of the petitioner is a drunkard and when the petitioner and other family members questioned him, he has committed suicide. He also submits that the petitioner is no way connected with the alleged offences and she 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 the de facto complainant Karpagam is the wife of deceased Kuppan, who is a habitual drunkard and on 22.04.2024, in the Mariamman temple festival conducted in their village, the deceased, who was in an inebriated condition, came and picked up quarrel with the public. When the de facto complainant questioned the deceased about his conduct, he abused her and assaulted her and her children. Hence, the de facto complainant left along with her children to her parents house and on 23.04.2024, the complainant was informed that one of the persons from her village had committed suicide by consuming pesticides. When the de facto complainant went to the scene of occurrence, she found the deceased dead.



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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, 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, Palacode, 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 one week, 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.

05.12.2024

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A.D.JAGADISH CHANDIRA., J.

sai

To

1. The Judicial Magistrate, Palacode.
2. The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
3. The Superintendent,
Special Prison for Women, Salem.
4. The Public Prosecutor,
High Court of Madras.

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