



Crl.O.P.No.232 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.232 of 2024

Mamtha @ Mamtha Nayar

...Petitioner/ 2nd Accused

Vs.

State represented by
The Inspector of Police,
Katpadi Police Station,
Vellore District.
(Crime No.396 of 2022)

...Respondent / Complainant

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.396 of 2022 on the
file of the respondent police.

For Petitioner : Mr. M.R.Thangavel

For Respondent : Mr. L. Baskaran
Govt. Advocate (Crl. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.10.2023 originally for the offences punishable under Section 174(3) Cr.P.C and subsequently, it was altered to Sections 294(b), 498(A), 306 of IPC r/w Section 4B(1) of TNPHW Act in Crime No.396 of 2022, seeks bail.

2.It is the case of the prosecution that the daughter of the defacto complainant had married A1 / son of the present petitioner on 05.07.2019 and a child was also born. Owing to continuous harassment, the daughter of the defacto complainant committed suicide. The 1st accused had been granted bail by a learned Single Judge of this Court, on condition that he should deposit a sum of Rs.10,00,000/- to the credit of the minor child / daughter. The learned counsel for the petitioner produced proof for the same. As a matter of fact, the interim anticipatory bail granted to A2 had been made absolute, consequent to such deposit.

3.Taking all the factors into consideration and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner herein subject to the following condition.



4. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Magistrate, Katpadi, 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., 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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C.V.KARTHIKEYAN,J.

smv

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

10.01.2024

smv

To

- 1.The Judicial Magistrate, Katpadi.
- 2.The Vellore Central Prison, Thorapadi.
- 3.The Inspector of Police,
Katpadi Police Station,
Vellore District.
- 4.The Public Prosecutor,
High Court of Madras.

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