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Crl.O.P.No.31340 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

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

Crl.O.P.No.31340 of 2024

1. Ponnuthai

2. Thilakavathi

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.

(Crime No.330 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail, in connection with Crime No.330 of 2024, pending investigation on the file of the respondent Police.

For Petitioners : Mr.T.Saikrishnan

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

ORDER

Petition seeking bail in respect of Crime No.330 of 2024 registered for the offence punishable under Section 238 r/w Section 103 of BNS, is on board for consideration.



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2. The incarceration of the petitioners being from 19.10.2024 pleading innocence on the part of the petitioners and false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners are respectively the mother and sister of the deceased and the first petitioner is the person who had given a complaint, whereas, the respondent had wrongly implicated the petitioners and the husband of the second petitioner in this case. He also submits that major part of the investigation is over and the petitioners are 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 one Ponnuthai/first petitioner herein, had lodged a complaint stating that her son was lying dead with bleeding injuries inside the well and based on her complaint, the present case came to be registered. He further submits that though the case was registered based on the complaint given by the de facto complainant, during the investigation, it came to light that the de facto complainant, who is the mother of the deceased, along with her daughter/2nd petitioner herein and son-in-law had murdered the victim/deceased, since there exists a property dispute



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between them. He further submits that the investigation in this case is still pending.

4. Having heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record including the counter filed by the respondent and considering the period of incarceration undergone by the petitioners, this court is inclined to grant bail to the petitioners with certain conditions and accordingly, the petitioners are ordered to be released on bail on their executing separate bond each 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.I, Udumalpet**, 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 petitioners shall report before the respondent Police everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

A.D.JAGADISH CHANDIRA.,J.



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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

16.12.2024

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To

1. The Judicial Magistrate No.I,
Udumalpet.
2. The Inspector of Police,
Gudimangalam Police Station,
Tiruppur District.
3. The Superintendent,
Central Prison (Women's cell),
Coimbatore.
4. The Public Prosecutor,
High Court of Madras.

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