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Crl.O.P.No.31612 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

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

Crl.O.P.No.31612 of 2024

Sivaranjini

... Petitioner

Vs.

The State represented by,
The Sub-Inspector of Police,
Samalpatti Police Station,
Krishnagiri District.

(Crime No.156 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.156 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

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

ORDER

Petition seeking bail in respect of Crime No.156 of 2024 registered for the offences punishable under Sections 126(2), 296(b), 103 of BNS, is on board for consideration.



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2. The incarceration of the petitioner/A2 being from 01.11.2024 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 petitioner is in no way connected with the alleged offence and she was not at all present at the scene of occurrence. He further submits that even as per the prosecution, the allegation against the petitioner is that she is stated to have instigated her husband/A1 to commit murder and that only A1 had inflicted fatal injuries on his brother and sister-in-law. He also submits that major part of the investigation is over, however, the petitioner is in custody for more than a month. He further submits that since both the petitioner and her husband are suffering incarceration, there is no one to take care of their children and further, 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 it is a case of double murder. He further submits that there exists a civil dispute between the first accused and his brother Marimuthu and on account



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of which, three months prior to the incident, the first accused's brother had assaulted the petitioner herein and for which, the case has been registered against the deceased Marimuthu, he was arrested and later, released on bail. Thereafter, on 31.10.2024, when the first accused's brother and sister-in-law were proceeding towards their new rental home in their bike, the first accused, on the instruction of the petitioner/A2 herein, waylaid them, abused in filthy language and assaulted them with machete and due to which, they sustained grievous injuries and died on the spot. He also submits that though A1 had inflicted injuries on the deceased, the petitioner/A2 herein is the person, who had instigated A1 to commit the offence. He further submits that major part of the investigation is over.

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 First Information Report and the Counter filed by the respondent and considering the period of incarceration undergone by the petitioner, 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 his 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



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Judicial Magistrate, Uthangarai, 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 stay at Tirupathur and report before the Inspector of Police, Tirupathur Town Police Station, 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]***;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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To

1. The Judicial Magistrate,
Uthangarai.
2. The Inspector of Police,
Samalpatti Police Station,
Krishnagiri District.
3. The Superintendent,
Special Prison for Women, Salem.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Tirupathur Town Police Station,
Tirupathur District.



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A.D.JAGADISH CHANDIRA.,J.

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