



CRL OP(MD). No.126 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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Rajeswari

... Petitioner/ Accused No.1

Vs

The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
Crime No.365 of 2023

... Respondent/Complainant

For Petitioner	:	Mr.T.A.Ebenezer, Advocate
For Respondent	:	Mr.B.Nambiselvan, Additional Public Prosecutor
For Intervener	:	Mr.S.Vinayagamani, Advocate for Mr.C.Muthu Saravanan, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.365 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.1, who was surrendered and remanded to judicial custody on 08.11.2023, for the offence punishable under Sections 294(b) and 306 of

I.P.C. in Crime No.365 of 2023 on the file of the respondent Police, seeks bail.

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2.The case of the prosecution is that Accused No.1, who is the wife of the deceased, had illegal intimacy with Accused No.2, viz., Senthilkumar and the same was warned by the deceased and his family members. In this regard, earlier, a complaint came to be registered by the deceased person before the respondent Police and the Police advised the petitioner to live with the deceased peacefully. Even thereafter, the petitioner continued the illegal relationship with Accused No.2. Thereby, again the dispute arose between both of them and the petitioner abused the deceased in filthy language and due to which, the deceased consumed poison. Hence, the defacto complainant, who is the deceased's father, made a complaint before the respondent Police and the respondent Police registered a case against the petitioner and the other accused persons.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has not committed any such offence as alleged by the prosecution. He would further submit that there is no illegal intimacy with Accused No.2 and the defacto complainant cooked up a false case against the petitioner herein. He would further submit that the petitioner is not available at the scene of occurrence. However, the defacto complainant made a complaint before the respondent Police as if the petitioner was available at the scene of occurrence. He would further submit that the petitioner had three children and the petitioner alone



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has to take care of her children. He would further submit that she is in judicial custody for more than fifty days. Hence, he prays for bail.

4.The learned counsel appearing for the intervener would submit that the defacto complainant is the father of the deceased. He would further submit that the petitioner had illegal intimacy with Accused No.2, due to which, the defacto complainant's son consumed poison. He would further submit that the petitioner was at the scene of occurrence and she did not prevent the petitioner from consuming poison. Hence, he prayed for dismissal of this petition.

5.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the accused Nos.1 and 2 are having illegal intimacy and the petitioner herein induced the deceased to consume poison. He would further submit that earlier, the deceased gave a complaint regarding the illegal intimacy between A1 and A2 and the petitioner gave an undertaking that she would not make any illegal intimacy with Accused No.2 directly or indirectly before the respondent Police. Per contra, she continued the illegal relationship with Accused No.2. Due to that, the deceased consumed poison. He would further submit that already this Court dismissed the Bail Petition filed by the petitioner herein in Crl.O.P.(MD).No.21555 of 2023 on 11.12.2023. Hence, he prayed for dismissal of this petition.

6.Heard the learned counsel on all sides.



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7.It appears that the petitioner has voluntarily surrendered before the Judicial Magistrate Court and now, she is in judicial custody for more than 50 days. The petitioner, who is a lady, is having three children and she has to take care of her children.

8.Considering the facts and circumstances of the case and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner herein, subject to the following conditions:

9.Accordingly, the petitioner is ordered to be released on bail on her executing 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, Manapparai, Tiruchirappalli 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 is directed to appear before the respondent Police daily at 10.30 A.M., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or



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trial;
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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 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/01/2024

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08/01/2024

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1 THE JUDICIAL MAGISTRATE, MANAPPARAI, TIRUCHIRAPPALLI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE SUPERINTENDENT, WOMEN PRISON, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, VAIYAMPATTY POLICE STATION,
TRICHY DISTRICT.

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5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-300[I] dated 08/01/2024)

ORDER

IN

CRL OP(MD) No.126 of 2024

Date :08/01/2024

RS//SAR-(08.01.2024) 6P 7C

Madurai Bench of Madras High Court is issuing
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