



Crl.R.C.(MD) No.89 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

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...Petitioner/

Petitioner/8th Accused

Vs.

State rep by
The Inspector of Police,
Anjugramam Police Station,
Nagercoil Police Station,
Kanyakumar District.
In Crime No.385/2009

...Respondent/
Respondent

PRAYER : Criminal Revision Case has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order dated 19.01.2024 made in Crl.M.P.No.350 of 2024 in C.A.No.12 of 2024 passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil and enlarge the petitioner on bail.



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For Petitioner : Mr.C.Muthu Saravanan
For Respondent : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

This Criminal Revision Case has been filed against the impugned order dated 19.01.2024 in Crl.M.P.No.350 of 2024 in C.A.No.12 of 2024 passed by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil.

2. Learned counsel for the petitioner submits that the victim in this case is the husband of the petitioner/A8 herein. The sole allegation raised against the petitioner/A8 is that on 20.12.2009, at about 08.30 p.m., the victim along with his sister went to her uncle's house to call her back to his home and at that time, A8 opened the door and abused the victim and refused to go with him. Thereafter, at the instigation of A7, it was alleged that A1 to A6 have attacked the victim and caused injuries and fled away from the scene of occurrence. The victim was admitted in the hospital by P.W.1 with the help of her husband. Based on a complaint from P.W.1, FIR



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was registered in Crime No.385 of 2009 on the file of the respondent police and the same was taken on file in S.C.No.76 of 2014 on the file of the learned Principal Assistant Sessions Judge, Nagercoil. He further submits that originally, the trial Court had framed charges against the petitioner for the alleged offences punishable under Sections 120(b), 147, 148, 294(b) and 307 IPC but subsequently altered into the offences punishable under Sections 120(b) r/w. 307, 147, 294(b), 307 r/w. 109 r/w. 149 of IPC. The petitioner was convicted and sentenced to undergo 3 months simple imprisonment and in respect of Section 294(b) of IPC, the petitioner was convicted and sentenced to undergo 7 years simple imprisonment and to pay a fine of Rs.1,000/- with 3 months simple imprisonment in case of default.

3. Learned counsel for the petitioner submitted that there was no specific overtact against the petitioner except the allegation that she has not made any attempt to save her husband when he was assaulted by other accused and in this regard, the prosecution has not produced any evidence. It is pertinent to note that the petitioner is not associated with the other accused, who were involved in the murder case and that enlarging the



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petitioner on bail would not affect the safety of the witnesses since she is neither accused nor a witness in that murder case. However, the Court below has failed to consider all these aspects. The petitioner is having every chance to convince this Court in the appeal and prayed to grant bail to the petitioner.

4. Per contra, learned Additional Public Prosecutor appearing for the respondent police submitted that since the witnesses in the petitioner's case and the co-accused's case are one and the same, if the petitioner is enlarged on bail, it would cause threat or influence to the witnesses and thereby, he objected to grant suspension of sentence to the petitioner.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

6. Considering the circumstances of the case including the fact that the petitioner is the wife of the victim and also taking note of the fact that she is not associated with the other case, this Court is inclined to grant bail to the petitioner on the following terms:-



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i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Kanyakumari District at Nagercoil;

ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

iii) The petitioner shall appear and sign before the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, on the first working day of every English calender month at 10.30 a.m., until further orders;

iv) In case, if the petitioner is unable to appear before the Court on the first working day of a month, she shall appear on the next working day; and



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v) The petitioner shall furnish her residential

address and mobile number to the Trial Court i.e., learned

Principal Sessions Judge, Kanyakumari District at Nagercoil.

7. With the above directions, this Criminal Revision Case is disposed of.

21.02.2024

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
PKN

To

1. The Principal Sessions Court,
Kanyakumari District at Nagercoil.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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VIVEK KUMAR SINGH, J.

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