



CRL OP(MD). No.7133 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD). No.7133 of 2024

Saraswathi

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No.219/2024).

... Respondent/Complainant

For Petitioner : Mr.A.S.Vaigunth, Advocate

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.219/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on



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13.04.2024, for the offence under Sections Man Missing @ 302, 109, 201 IPC in Crime No.219 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous motive, on 10.04.2024, the accused persons assaulted the deceased with iron rod and also strangled his neck with rope, thereby committed murder. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is arrayed as A3. She is an innocent person and she has not committed any offence as alleged by the prosecution. However, she is languishing in jail from 13.04.2024. She has been roped into the case, based on the confession of co-accused. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police strongly opposes for grant of bail to the petitioner. However, he conceded that the petitioner is not having any previous case.

5.Considering the facts and circumstances of the case and also taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with some stringent conditions.



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6. 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 learned Judicial Magistrate No.II, Kovilpatti and on further conditions that :-

- a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 Station daily 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 is 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];

<https://www.mhc.tn.gov.in/judis>



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

sd/-
22/05/2024

/ TRUE COPY /

23/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE
WOMEN PRISON, KOKIRAKULAM, THOOTHUKUDI.



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

+1 CC to M/s.A.S.VAIGUNTH, Advocate (SR-5638[I] dated 22/05/2024)

ORDER
IN
CRL OP(MD) No.7133 of 2024
Date :22/05/2024

PKP/23.05.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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