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Crl.O.P.No.1496 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

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

Crl.O.P.No.1496 of 2025

Madeshwari

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.

(Crime No.448 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.448 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.P.M.Jayachandran

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

ORDER

Petition seeking bail in respect of Crime No.448 of 2024 registered under Sections 281 & 106 of BNS and later, altered for the offence punishable under Section 103 of BNS, is on board for consideration.



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2. The incarceration of the petitioner/A3 being from 24.10.2024 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 was arrested only based on the confession statement recorded from the first accused and the petitioner, who is none other than the wife of the deceased, has intention or motive to cause death of her husband. He also submits that the co-accused/A4 has also been enlarged on bail by this Court in Crl.O.P.No.30814 of 2024 dated 13.12.2024 and 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 the case, where, the deceased, who was an alcoholic, used to harass his wife/petitioner and daughter and tortured them. On account of the harassment caused by the deceased, both the mother and daughter planned together and with the help of the other accused, committed murder of the deceased by assaulting him with cricket bat. He further submits that initially the case was registered only based on the complaint given by the petitioner herein and later, during the course of investigation, the case was altered and the accused were arrested. He also submits that the case is under investigation.



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4. Having heard the learned counsel for the petitioner, 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 facts of the case and 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 her 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 **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 report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday 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;



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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 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.

23.01.2025

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To

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

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