



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Second day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.9719 of 2017

ANITHA @ PRIYA

... PETITIONER/1st ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.86 OF 2017)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.C.HEROLD SINGH Advocate

For Respondent : M/S.C.RAMESH, ADDITIONAL PUBLIC PROSECUTOR

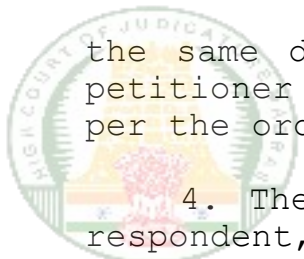
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.06.2017, for the offences punishable under Sections 328 and 379 of IPC., in Crime No.86 of 2017, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant in this case was brought to the house of A1 for repayment of loan in respect of Self-Group and the defacto complainant was given a cup of juice by the petitioner and thereafter, she has become unconscious, after consuming it and latter on, when she became conscious she found that her Thali Chain weighing 96 grams and her hand chain weighing 8 grams were found missing. Subsequently, the said jewels were recovered from APSR Finance Company, whom the petitioner herein said to have pledged the jewels, on the basis of the confession given by the petitioner herein.

3. The learned counsel appearing for the petitioner states that the petitioner is an innocent person and she has not committed any offence as alleged in the FIR. A false case has been registered against the petitioner herein, she has no knowledge about the offence alleged against the defacto complainant. The alleged property was already recovered by the respondent Police. He would further submit that she was in custody in other two cases, in which the petitioner was also released on bail. The petitioner is not having any previous case of similar nature of offence. It is also admitted that the case against the petitioner was registered on



the same day by different Police Station and in those cases, the petitioner was granted bail in CrI.O.PNos.9117 and 9118 of 2017, as per the order of this Court, dated 26.07.2017.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally two accused in this case and the petitioner herein is arrayed as A1. He would further submit that the defacto complainant in this case was brought to the house of A1, for repayment of loan, in respect of Self-Group and the defacto complainant was given a cup of juice by the petitioner and thereafter, she become unconscious, after consuming it and latter on, when she became conscious, she found that her Thali Chain weighing 96 grams and her hand-chain weighing 8 grams were found missing. Subsequently, the said jewels were recovered from APSR Finance Company, whom the petitioner herein said to have pledged the jewels, on the basis of the confession given by the petitioner herein and the investigation is still pending. The co-accused was granted bail by this Court.

5. Considering the above facts and circumstances of the case and also considering the fact that the jewels were recovered and the period of incarceration of the petitioner herein, this Court is inclined to grant bail to the petitioner subject to certain conditions.

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 the learned Judicial Magistrate No.II, Kuzhithurai, and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

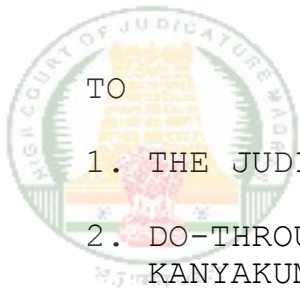
[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law, as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

02/08/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE OFFICER INCHARGE, SUB JAIL FOR WOMEN, THUCKALAI.
 4. THE INSPECTOR OF POLICE
NITHIRAVILAI POLICE STATION, KANYAKUMARI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.C.HEROLD SINGH Advocate SR.No.27889

ORDER
IN
CRL OP (MD) No.9719 of 2017
Date : 02/08/2017

MS/CM-MSA/SAR.3/02.08.2017/2P.7C