

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.18050 of 2018

T.PADMAJA

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE (CRIME) [RESPONDENT]
F-4, THOUSAND LIGHTS POLICE STATION,
CHENNAI DISTRICT,
CR.NO.168 OF 2018.

For Petitioner : M/S.G.R.RAVICHANDRAN Advocate

For Respondent : PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.168 of 2018 registered by the respondent for the alleged offence punishable under Sections 380 of IPC.

2. The case of the prosecution as per the de-facto complainant one Jayabharathy is that she is running a beauty parlour in the name of Studio Essential and that on 15.06.2018, the petitioner had come to the beauty parlour and committed theft of Rs.36,000/- from her handbag at the time of changing her dress.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would submit that there was a dispute between the petitioner and the defacto complainant in respect of non refund of money. He would submit that on 11.12.2017, the petitioner availed the services of the defacto complainant for an amount of Rs.3,750/-, whereas, the defacto complainant had swiped her credit card thrice and that the amount of Rs.3,750/- had been debited thrice and that when the petitioner had questioned the defacto complainant, she told that she will consult with the Bank and refund the amount, however, she did not refund the amount and thereby, the petitioner had demanded the defacto complainant for return of money and that due to the enmity, a false complaint has been given against her as if the

petitioner committed theft of Rs.36,000/- from the defacto complainant's handbag. He would also submit that earlier she was issued a summon from the respondent police station to appear before them on 05.07.2018 and she has also sent a reply in respect of the incident. The petitioner had also produced her credit card Account summary relating to debits made on 11.12.2017.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner committed theft of Rs.36,000/- from the handbag of the defacto complainant, when she had come to the beauty parlour.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XIV Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m for a period of one week and thereafter, as and when required for interrogation.

[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 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
19/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XIV METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE INSPECTOR OF POLICE (CRIME)
F-4, THOUSAND LIGHTS POLICE STATION,
CHENNAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.R.RAVICHANDRAN Advocate on payment of necessary charges in SR.NO. 13451

CRL OP.18050/2018

Date :19/07/2018

MLT-27/07/2018