



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 03/09/2019

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.11957 of 2019

Pandiyammal,

... Petitioner/Petitioner/  
Accused No.1

Vs

State rep. By  
The Inspector of Police,  
Cumbum South Police Station,  
Theni District  
Cr No. 304/2019.

... Respondent/Complainant

For Petitioner : M/s. K.K. Samy,  
Advocate.

For Respondent : A.P.G.Ohm Chairma Prabhu,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.304 of 2019 on the file of the respondent police

ORDER : The Court Made the following order :-

1.Heard the learned counsel on either side.

2.The petitioner is in custody since 30.07.2019 for the offences under Sections 454 and 380 of I.P.C.

3.The learned Government Advocate (Crl. Side) opposed the bail petition primarily on the ground that the co-accused is still absconding and that the petitioner is still having bad antecedents.

4.It is seen that five cases have been registered against the

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petitioner. The petitioner has already been acquitted in two cases. In this case, the stolen items have been recovered. She is in custody for more than 35 days.

5. Taking note of the fact that the petitioner is a woman and that the subject matter of theft has been recovered, this Court is inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

[a] 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 Judicial Magistrate, Uthamapalayam.

[b] the petitioner shall report before the respondent police as and when required for the interrogation.

[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 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 229A IPC.

sd/-  
03/09/2019

/ TRUE COPY /

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

TO

1. Judicial Magistrate, Uthamapalayam.

2. Do-Through The Chief Judicial Magistrate,  
Theni District.

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3. The Superintendent, Central Prison, Madurai.

4. The Inspector of Police,  
Cumbum South Police Station,  
Theni District.

5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.K.K.SAMY, Advocate Sr. No. 14561

ORDER  
IN  
CRL OP(MD) No.11957 of 2019  
Date : 03/09/2019

TR/PN/SAR-I (03.09.2019) 3P 7C