

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.6832 of 2020

Saranya

... Petitioner

Vs.

The State rep. by Inspector of Police,

Chengalpattu Town Police Station,

Kancheepuram District,

Crime No.92 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.92 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Swamidoss Manokaran

For Respondent : Mr.Mr.T.Shunmugarajeswaran

Government Advocate(Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 380 of IPC, in Crime No.92 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that she had kept an amount of Rs.1,95,000/- in the bag for purchase of jewels and kept the bag in the Office. After some time, when she had taken the bag, the amount was missing. Based on the complaint given, the case was registered for offence under Section 380 of IPC.

3. The learned counsel for the petitioner would submit that the petitioner is a colleague of the defacto complainant and she has been falsely implicated, on suspicion. He would submit that acutally, one Suresh had committed the offence and he was arrested and the entire

amount of Rs.1,95,000/- was recovered from him. Only on suspicion, the petitioner has been falsely implicated in this case. He would further submit that A1 has been arrested and enlarged on bail.

4. The learned Government Advocate would submit that the petitioner A2 is the colleague of the defacto complainant. A1 Suresh is the known person to A2 and on the information given by the petitioner/A2, A1 had committed theft of the cash of Rs.1,95,000/- kept in the bag at Office. He would submit that the presence of the petitioner and A1 has been recorded in the CCTV Footage and a sum of Rs.1,95,000 has been recovered from Suresh and he was arrested. Hence, he opposed for grant of Anticipatory Bail.

5. Taking into consideration the facts and circumstances of the case and also the fact that A1 has been granted bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate I, Chengalpattu, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further conditions that:

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

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter, every Monday at 10.30 a.m., until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
31/07/2020

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 JUDICIAL MAGISTRATE,
NO.I, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CHENGALPATTU TOWN POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to S.SWAMIDOSS MANOKARAN Advocate on payment of necessary charges

CRL OP.6832/2020

Date :31/07/2020

RD 28/08/2020