

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7348 of 2020

Ammu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Peerkankarai Police Station,
Chengalpet District.
Cr. No.124 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.124 of 2020 on the file of the respondent police.

For Petitioner : Mr. R.Gokulakrishnan

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 24.03.2020 for the offence punishable under Sections 341, 294(b), 392, 397, 336 and 506(ii) IPC in Crime No.124 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and her husband waylaid the defacto complainant and robbed a sum of Rs.3,000/- at knife point and also threatened the defacto complainant with dire consequences. Hence, this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is arraigned as A2 in this case and her husband is A1. He submitted that the petitioner is an innocent lady and she is not involved in the above alleged offence and she is no way connected with the offence as alleged by the prosecution. Since her husband is involved in the above offence, she has been falsely implicated in this case. He further submitted that the petitioner has a mentally retarded girl child and she has to take care of the child. Since both the husband and wife are in judicial custody from 24.03.2020 onwards, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioner is A2 in this case. A1 is the husband of the petitioner. Both are habitual offenders and the petitioner has

involved in several cases along with her husband. Hence, he vehemently opposed for grant of bail to the petitioner.

5. It is seen that there are totally two accused in this case and the petitioner is A2 and her husband is arrayed as A1 in this case and both are habitual offenders. It is also submitted that the petitioner has a mentally retarded girl child and she has to be taken care by the petitioner.

6. Taking into consideration the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 24.03.2020 and she has to take care of her mentally retarded girl child, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner shall execute her own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30 a.m. from 01.06.2020 for a period of two weeks and thereafter as and when required for interrogation.

(e) the petitioner shall not abscond either during investigation or trial.

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(g) 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].

(h) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6.With the above directions, this Criminal Original Petition is ordered.

-sd/-

12/05/2020

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, TAMBARAM

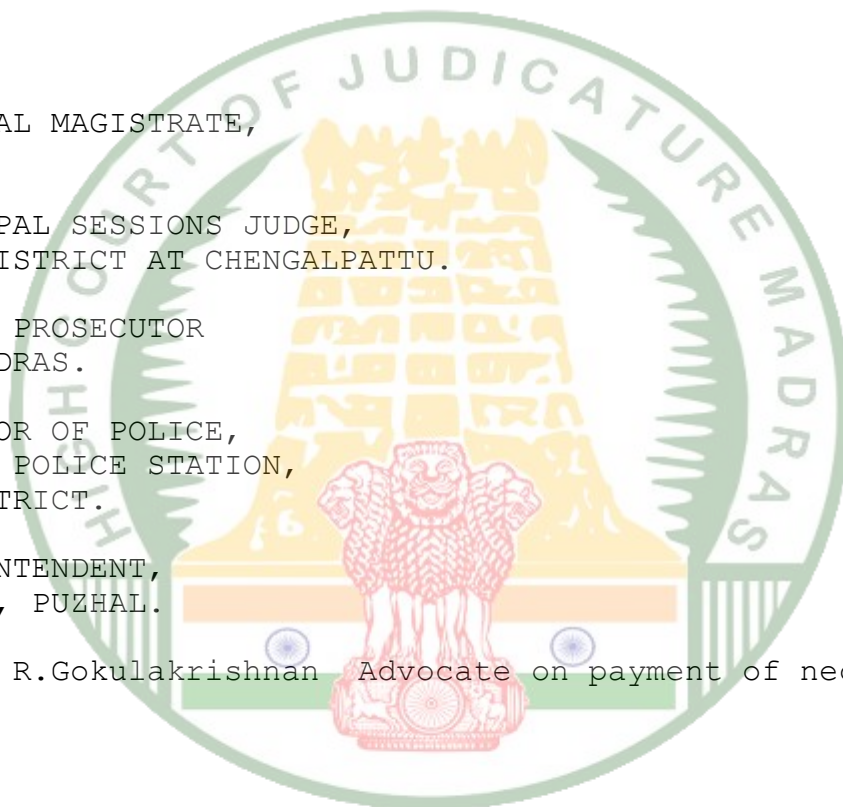
2 THE PRINCIPAL SESSIONS JUDGE,
KANCHEEPURAM DISTRICT AT CHENGALPATTU.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEERKANKARANAI POLICE STATION,
CHENGALPET DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

CC to M/S R.Gokulakrishnan Advocate on payment of necessary charges



सत्यमेव जयते

CRL OP.7348/2020

Date :12/05/2020

RVR 26/06/2020

WEB COPY