

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10124 of 2020

Sharmila

... Petitioner

Vs.

State represented by the
Inspector of Police
Avinashipalaiyam Police Station,
Tiruppur District.
(Crime No. 989 of 2020)

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.989 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 12.06.2020 for the offences punishable under Sections 392@ 394 , 414 of IPC in Crime No.989 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.06.2020, A1 and A2 who are son and father respectively, had entered into the house of the defacto complainant, threatened him and robbed 30 Sovereigns of gold Jewels. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and she has been falsely implicated in this case since, she happens to be wife of A1. The charge against the petitioner is that she assisted in concealment of stolen property. He would further submit that there is no previous case pending against the petitioner and the entire property has been recovered by the respondent police and that the petitioner has been in judicial custody from 12.06.2020. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate submitted that the petitioner is the wife of A1. A1 and his father/A2, entered into the defacto complainant's house and by threatening the defacto

complainant, robbed 30 Sovereigns of gold jewels from the custody of the defacto complainant. The charge against the petitioner is that she had assisted in pledging the stolen property in Muthoot Finance in her name and taken amount of Rs.2,53,800/-. He would further submit that no cash has been recovered so far and 9 Sovereigns of jewels are yet to be recovered. Hence, he vehemently opposed for the grant of bail.

5. Considering the fact that the petitioner had only assisted in concealment of stolen property and there is no previous case against the petitioner and also considering the period of incarceration by the petitioner from 12.06.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on her release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Palladam, on or before 06.08.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(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. until further orders.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) 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/-

06/07/2020

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,
PALLADAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AVINASHIPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, (WOMEN CELL)
COIMBATORE.

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges

CRL OP.10124/2020

सत्यमेव जयते Date :06/07/2020

RVR 28/08/2020

WEB COPY