

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.10783 of 2020

Jayanthi

... Petitioner

Vs.

The State Represented by,
The Sub-Inspector of Police,
T-9, Pattibiram Police Station,
Ambattur, Chennai.
Crime No.49 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.49 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. K. Balakrishnan

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

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 380 of IPC, 1860 in Crime No.49 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Kokila is that the defacto complainant and the accused are relatives. Believing the accused, she had given the key of her house and taking advantage of the absence of the defacto complainant, the petitioner had entered in to the house of the defacto complainant and committed theft of 7 sovereigns of gold jewels and looted cash of Rs.18,000/- from the house.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and due to family dispute between the defacto complainant and the petitioner, a false complaint has been given against her. He would submit that the petitioner was called for enquiry. Accordingly, she appeared for enquiry before

the respondent police. He would further submit that the case was registered on 16.01.2020 and the petitioner was very much available in the village. However, the respondent did not take steps to arrest the petitioner. Hence, he prays for the grant bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is the relative of the defacto complainant. The defacto complainant believed her and given the key of her house her. Taking advantage of the absence of the defacto complainant, the petitioner had entered in to the house and committed theft of 7 sovereigns of gold jewels and cash of Rs.18,000/-. He further submitted that the entry of the petitioner in to the house of the defacto complainant is recorded in the CCTV camera, fixed nearby her house. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that it is a common entrance for both the houses and the respondent cannot take advantage of the CCTV footage. However, he would submit that the petitioner is ready to appear before the respondent police and to abide by any stringent conditions imposed by this Court. He would also submit that in order to show her bonafide, the petitioner is prepared to deposit the original title deeds of the property worth about Rs.3,00,000/-.

5. Taking into consideration the facts and submissions of the learned Counsel that the petitioner has come forward to deposit the title deeds of property worth about Rs.3,00,000/-, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to deposit the original title deeds of property either belonging to her or relatives/friends worth Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of Crime No.49 of 2020, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Judicial Magistrate, Thiruvallur, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

23/07/2020

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,
THIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
T9, PATTABIRAM POLICE STATION,
AMBATTUR, CHENNAI.

CC to M/S. K.BALAKRISHNAN Advocate on payment of necessary charges

CRL OP.10783/2020

Date :23/07/2020