IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2020

CORAM :

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

Crl.O.P.No.12388 of 2020

Nisha @ Shagarunnisha ... Petitioner

Vs.

State By
Inspector of Police
K-2, Ayanavaram Police Station
Chennai District
(Crime No.183 of 2019) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.183 of 2019.

For Petitioner : Mr.G. Mageshkumar

For Respondent : Mr.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 14.07.2020 for the offence punishable under Sections 392 IPC, in Crime No.183 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Lalitha is that on 27.12.2018, while she was returning back to her house, two unknown persons had come in a motor cycle and snatched her THALI CHAIN weighing about 5 sovereigns.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that since the respondent police suspected her husband viz. Sanjay Ragul and his friend, called them for enquiry and when her husband did not turn up for enquiry, the petitioner was arrested. He would further submit that the petitioner was not aware of the criminal background of her husband. He would further submit that later her husband Sanjay Ragul was

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arrested by the respondent police and based on the confession statement recorded, the petitioner was arrested alleging that she is also the associate of her husband in this case. He woould further submit that the petitioner was arrested on 14.07.2020 and she is in custody for more than 50 days. He would further submit that the petitioner has been arrested without any fault on her and she has also got one year old child to look after and now her mother is looking after the child. He would further submit that the petitioner has decided to part away from her husband. He would further submit that her mother has got permanent address at Ayanavaram, Chennai and her mother undertakes to stand as surity to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is the wife of one Sanjay Ragul, against whom there are five previous cases of similar nature. He would further submit that the petitioner associated with her husband in this case. It is a modus operandi that the petitioner and her husband to travel together in two motor cycles to indulge in chain snatching.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioner from 14.07.2020, 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 condition to execute 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;

(b)the petitioner shall within a period of two weeks from the date of commencement of the Court's normal functioning, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each (out of which one surety should be the mother of the petitioner), for a likesum to the satisfaction of the learned V Metropolitan Magistrate, Egmore, Chennai, 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 on her release from prison, 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;

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(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/-
08/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI DISTRICT.

2 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN,
PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
K-2, AYANAVARAM POLICE STATION,
CHENNAI DISTRICT.

CC to M/S.G.MAGESHKUMAR Advocate on payment of necessary charges

CRL OP.12388/2020

Date :08/09/2020

cs 11/09/2020

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