

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.13939 of 2020

1. Jerlin Sofiya
W/o.Anthony Raj

2.Anthony Raj
S/o.John

... Petitioners

Vs.

State Represented by,

The Inspector of Police,
Anchetty Police Station,
Krishnagiri District.

Crime No.743 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.743 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.D.Ferdinand

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

ORDER

(This case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 380 of IPC in Crime No.743 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant V.P.Sundaraj is that the petitioners who were the tenants under them during the period between 2017 and 2018, had committed theft of six sovereigns of Jewels and a sum of Rs.27,000/- cash from the defacto complainant.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against them. He would also submit that the petitioners are the tenants in the defacto complainant house. On the complaint given by the defacto complainant, enquiry had been

conducted in CSR No.865 of 2018 and the petitioners have regularly appeared before the respondent police for enquiry and they have not absconded. After some time, the case has been registered due to some enmity. Except the oral statement of the defacto complainant, no other materials has been furnished to prove that the petitioners have committed the theft. He would also submit that based on the false complaint, undue pressure was put on the petitioners and they were made to vacate the house. He would submit that they are ready to appear before the respondent police for enquiry.

4.The learned Additional Public Prosecutor would submit that the petitioners are the tenants. The defacto complainant had lost his key. Taking advantage of the circumstances, the petitioners had committed the theft of six sovereigns of Jewels and Rs.27,000/- cash from the defacto complainant's house during the period between 2017 and 2018.

5.Taking into consideration the facts and submissions of the learned Counsels, that the petitioners had been appearing before the respondent police for enquiry when the matter was enquired in CSR.No.865 of 2018, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Poonamalee on condition that the petitioners shall execute a separate 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 petitioners 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/A1 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation. The petitioner/A2 shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions

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have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

09/09/2020

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, POONAMALLEE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
T-15 SRMC POLICE STATION (CRIME),
AIYYAPPANTHANGAL,
CHENNAI - 56.

CC to M/S. BFS LEGAL Advocate on payment of necessary charges

सत्यमेव जयते

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CRL OP.13939/2020
Date :09/09/2020

RD 21/09/2020