

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14342 of 2020

Gomathi

... Petitioner

Vs.

State Represented by
The Inspector of Police (Crime)
E4, Abiramapuram Police Station,
Chennai.

Cr. No.1865 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of her arrest
in connection with the FIR in Crime No.1865 of 2020 dated 08.09.2020
under Section 381 of IPC on the file of the respondent police.

For Petitioner : Mr.M.Sounder Rajan

For Respondent : Mr.T.Shanmugarajeswaran
Govt. Advocate (CrI. side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Section
381 of IPC in Crime No.1865 of 2020 on the file of the respondent
police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner is a
servant in the defacto complainant's house. On 29.08.2020, the
defacto complainant was found that her diamond stud worth about
Rs.3.75/- lakhs, which was kept in her custody in her room was
missing. According to the defacto complainant, though the petitioner
and 4 others persons were working as servants in her house, the
petitioner was alone permitted to clean the bed room, where the
defacto complainant had kept the stud. Hence, she suspected this
petitioner and lodged a complaint before the respondent police.

3. The learned counsel appearing for the petitioner would submit
that that the petitioner was working as a servant for the past one
year in the defacto complainant's house. Apart from the petitioner,
four other servants were also working there. After missing the
diamond stud, the defacto complainant and her henchmen went to the

petitioner's house and searched for the stud and during enquiry police also searched her house. The learned counsel would further submit that the petitioner is an innocent and a false case has been foisted against the petitioner and she is ready to appear before the respondent police for enquiry. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) would submit that the diamond stud of the defacto complainant was missing worth about Rs.3.75 lakhs was found missing. The petitioner and other 4 persons were working in the defacto complainant's house. But the petitioner was alone was permitted to clean the bed room. Therefore, the Defacto complainant suspected this petitioner. The other four servants were enquired by the respondent police. But this petitioner did not appear before the respondent police for enquiry. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and the submissions of the learned Counsel and the petitioner has no previous case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date on which order copy made ready, before the learned XXIII, Metropolitan Magistrate, Saidapet, Chennai, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30a.m., and 5.30p.m. until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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.R.Shaji Vs. State of Kerala [(2005)AIR SCW 5560].

[g] 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/-
17/09/2020

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 METROPOLITAN MAGISTRATE,
NO. XXIII, SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE (CRIME),
E4, ABIRAMAPURAM POLICE STATION,
CHENNAI DISTRICT - 18.

+1 CC to M/S. M. SOUNDERRAJAN Advocate on payment of necessary charges sr no. 6337

सत्यमेव जयते

CRL OP. 14342/2020

Date : 17/09/2020

RD 23/09/2020

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