

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 14690 of 2020

Bhuwaneswari

... Petitioner/Accused

Vs.

The State represented by, ... Respondent/Complainant  
The Inspector of Police,  
Panruti Police Station,  
Cuddalore.  
(Crime No.2058 of 2020)

**Prayer:** Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest Crime No. 2058 of 2020, on the file of the respondent police.

For Petitioner : Mr.P. Manish

For Respondent : Mr. M. Mohamed Riyqaz

Additional Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 454 and 380 of I.P.C in Cr. No.2058 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 12.09.2020 the petitioner had stolen 18 soverigns of gold and cash Rs.50,000/- from defacto complainant's house. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. He would further submit that the petitioner has married the son of the defacto complainant on 21.01.2011 and she is the daughter-in-law of

the defacto complainant. Out of the wedlock, the petitioner had delivered one female child on 31.12.2012 and thereafter, due to matrimonial dispute, she has been separated from her husband and living separately. He would further submit the petitioner and her husband agreed to file a petition for mutual divorce whereas, due to Covid-Pandemic, she was unable to file the petition while so a false complaint has been preferred as if she has stolen the jewels. She is no way connected to the offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the son of the defacto complainant and the petitioner were living together, and during that time the petitioner has committed theft of jewellery. Hence, he opposed grant of bail to the petitioner.

5. Heard the counsel and perused the Birth Certificate of the child.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Panruti on condition that the petitioner 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 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 daily at 10:30 a.m for a period of two weeks and thereafter every Monday at 10:30 a.m until further orders.

[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 is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate himself as laid down by the Hon'ble Supreme Court in

[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/-  
28/09/2020

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,  
PANRUTI.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
PANRUTI POLICE STATION,  
CUDDALORE.

+1 CC to M/S.P.MANISH Advocate on payment of necessary charges  
SR.NO.6501

CRL OP.14690/2020

Date :28/09/2020

TA-09/10/2020

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