

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM :

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

CRL.O.P.No.14901 of 2020

S.Swapna Suja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Central Crime Branch, Coimbatore City,
Rural, No.800, Avinashi Road,
Police Quarters, Uppilipalayam,
Coimbatore - 641018
(Crime No.5 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.5 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Nirmal Kumar

For Respondent : Ms.S.Thankira
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 02.06.2020 for the offences punishable under Section 204, 409, 468 & 477A of IPC in Crime No.5 of 2020, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Sangeetha, the Inspector of Police (in-charge) of E-1 Singanallur Crime Police Station, Coimbatore City, is that the petitioner was working as a Grade II Police Constable attached with the E-1 Singanallur Crime Police Station and during the period 2017, several case properties, gold jewels were handed over to her to be deposited into the Court along with form-91 and to get PR number from the Courts concerned. Whereas, the petitioner by fabricating the documents and giving false information, had misappropriated the case properties viz., gold jewels worth more than Rs.18,00,000/- in various crime numbers.Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case and she has been made as a scapegoat by her superior officers. He would further submit that when the petitioner was in judicial custody, the respondent have taken her to their custody and a search was conducted in her house, whereas nothing has been recovered from her house and even after investigation, the respondent have not recovered anything from her. He would submit that the investigation has been completed and the final report has been filed and the case has been taken up in C.C.No.1395 of 2020 on the file of the learned VII Judicial Magistrate, Coimbatore. He would submit that the petitioner has to defend her case by engaging counsel and the prosecution is attempting to keep her inside the prison and complete the trial. He would further submit that the earlier this petitioner had approached this Court for bail and the petition was dismissed on 14.07.2020 in Crl.O.P.No. 10496 of 2020. As against the same, the petitioner has also filed a Special Leave to Appeal (Crl) No. 3414 of 2020 and the Hon'ble Supreme Court on 14.07.2020, while dismissing the petition, had granted liberty to pursue the application for bail after the investigation is complete before the competent forum. He would submit that subsequent to the order passed by the Hon'ble Supreme Court and filing of final report, the petitioner has filed petition before the Trial Court and before the Sessions Court and both the petitions were dismissed. He would submit that right from the day of arrest i.e, on 02.06.2020, the petitioner is in custody and that the petitioner is prepared to furnish adequate surety for her release on bail. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner, who is a Grade-II Constable and in-charge to deposit the gold jewels recovered in various crime numbers in Court, by fabricating documents and furnishing false information, had misappropriated the jewels worth more than Rs.18,00,000/- (65.14 sovereigns of gold jewels) and also Rs.50,000/- cash, which were entrusted to her for depositing into the Court. Further, she has also tampered with the Court records. She would submit that the investigation is completed and the final report has been filed and the case has been posted for trial in C.C.No.1395 of 2020 before the learned VII Judicial Magistrate, Coimbatore. She would submit that there are 38 witnesses in this case and the respondent will be able to complete the trial at the earliest. However, she opposed to grant bail to the petitioner.

5 Heard both the learned counsels and perused the materials placed on record.

6 Taking into consideration the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 02.06.2020 and the investigation has been completed and the case is fixed for trial, 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 a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VII, Coimbatore and further the petitioner shall deposit original Title Deeds of immovable property belonging to her or to her relatives, worth about Rs.20,00,000/- (Rupees Twenty Lakhs Only) on further conditions that:

(b) 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;

(c) the petitioner shall report before learned VII Judicial Magistrate, Coimbatore, everyday at 10.30 a.m., for a period of four weeks and thereafter, on the dates of appearance fixed by the concerned Trial Court.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond during trial;

(f) the petitioner shall not tamper with evidence or witness during 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.

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

-sd/-
25/09/2020

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. VII,
COIMBATORE

2 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN), DR. NANJAPPA ROAD,
ATT COLONY, GOPALAPURAM, GANDHIPURAM,
COIMBATORE-641 018

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, COIMBATORE CITY

+1 CC to M/S.M.NIRMALKUMAR Advocate on payment of necessary charges SR.NO.6484

CRL OP.14901/2020

Date : 25/09/2020

GKS:29/09/2020

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