

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17774 of 2020

N.Sivagami

... Petitioner

Vs.

State Rep by
The Inspector of Police
H-1, Old Washermenpet Police Station,
Chennai
(Crime No.5111 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police in Crime No.5111 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

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

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under **Section 380 IPC** in Crime No.5111 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Dinesh who is a Proprietor of Shree Samarathal Enterprises is that on 19.10.2020 at about 13.45 hours, the three accused ladies who had come to his shop in the guise of purchasing clothes, had committed theft of shirts and clothes. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case based on the confession recorded from the arrested accused/A1 and A2. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that A1 and A2 has been arrested and the entire contraband has been recovered and there is no previous case against the petitioner. However, he vehemently opposed for grant of anticipatory bail.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned Counsels and the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, **within a period of fifteen days from the date on which the order copy is made ready**, before the **learned XV Metropolitan Magistrate, George Town , 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:

[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/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]**.

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

18/11/2020

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 XV,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-1, OLD WASHERMENPET POLICE STATION,
CHENNAI.

+1 CC to M.P.SARAVANAN Advocate on payment of necessary charges SR.No 7623

सत्यमेव जयते

CRL OP.17774/2020

Date :18/11/2020

MN-03/12/2020

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