

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2020

CORAM :

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

Crl.O.P.No.19476 of 2020

1. Jamuna
2. Bharathi
3. Sunitha

... Petitioners

Vs.

State Rep., by
The Inspector of Police
Ambalur Police Station,
Ambalur
Vellore District.
(Crime No.421 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioners on bail in Crime No.421 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Madhusudanan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl.Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 01.11.2020 for the offence punishable under Section 353 & 307 of IPC in Crime No.421 of 2020, seek bail.

2. The case of the prosecution as per the de facto complainant Kalpana, Grade-I, Woman Police is that on 30.10.2020, she was deputed duty at Betha Kalluppalli Toll Plaza. While she was on duty at about 2 p.m., public had shouted "thief thief" and the defacto complainant had seen three women were running from the scene of occurrence. When the defacto complainant had attempted to apprehend them, they have threatened her with Blade and also caused injury to her hands with Blade. However, they were apprehended with the help of the public. On enquiry, it was found that they had committed theft of 3.5 sovereigns of jewels from the passengers in a bus.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that originally, on suspicion the petitioners were arrested in yet another case in Crime No.420 of 2020 registered by the respondent police and thereafter, this false case has been foisted against them. He would submit that while they were in custody in Crime No.420 of 2020 for offence under Section 379 IPC, they were produced on PT Warrant and remanded to judicial custody in this case to keep the petitioners in continued detention and that no such incident had happened. He would further submit that the petitioners have been granted bail in Crime No.420 of IPC and that the petitioners being ladies, have been suffering incarceration from 11.11.2020 in this case. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioners had committed theft of 3.5 sovereigns from passengers while travelling in a bus and attempted to escape from the bus. When he defacto complainant attempted to apprehend them, the petitioners assaulted her with Blade due to which, she sustained injury. He would further submit that the injured has been discharged from the hospital and apart from this case, the petitioners have got one previous case and that the petitioners are resident of Andhra Pradesh.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties out of which, one surety shall be the blood relative of the petitioners, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vaniyambadi, Vellore, and 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 petitioners shall report before the respondent police everyday at 10.30 a.m. for a period of four weeks and thereafter, every Monday at 10.30 a.m. until further orders;

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/12/2020

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,
VANIYAMBADI, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
AMBALUR POLICE STATION,
AMBALUR, VELLORE DISTRICT.

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

CRL OP.19476/2020

Date :18/12/2020