

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.608 of 2021

1.Mala
2.Solaiyammal
3.Manga

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Pallapatti Police Station,
Salem District.
(Crime No.1311 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No1311 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr. M.Mariappan

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 13.11.2020 for the offence punishable under Section 379 of IPC in Crime No.1311 of 2020, seeks bail.

2. The case of the prosecution is that on the date of occurrence, while the de-facto complainant was travelling in a bus, the petitioners had stolen Rs.500/- from the bag of the de-fact complainant. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners have been in judicial custody from 13.11.2020 and despite the lapse of statutory period of 60 days, the respondent has not filed the filal report and thereby, entitling the petitioner for statutory bail under Section 167(2) Cr.P.C. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would vehemently oppose stating that the petitioners are habitual offenders, involved in pickpocketing and if the petitioners are released on bail, again they would involve in similar nature of offence.

5. The case has been registered under Section 379 of IPC. The petitioners are in judicial custody for more than 60 days. Despite the lapse of statutory period, the respondent has not filed the final report and thereby, the petitioners are entitled for statutory bail.

6. Considering the above facts and circumstances and also of the fact that the respondent has not filed the final report, despite the lapse of statutory period, 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 their executing 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 learned Judicial Magistrate No.II, Salem, 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, on their release from prison, shall report before the respondent police daily 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/-
20/01/2021

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.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLAPATTI POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.M.MARIAPPAN Advocate on payment of necessary charges SR.NO.578

CRL OP.608/2021

Date :20/01/2021

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