

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1114 of 2021

Nishanthi

... Petitioner

Vs.

State rep by
The Inspector of Police,
R-4, Police Station,
Soundarapandiyan Angadi,
Chennai.
Cr.No.717 of 2020.

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr. No.717 of 2020 on the file of the respondent police.

For Petitioner : Mr.M. Hussaini Basha

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 15.12.2020 for the offence punishable under Section 380 of IPC in Crime No.717 of 2020, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner has stolen two gold bangles from Joyalukkas Jewellery shop in Chennai. Based on the CCTV footages, the petitioner was arrested on 15.12.2020. Now, seeking bail the present application has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence, and he has been falsely implicated in this case. The occurrence has taken place on 01.11.2020 and after one month, the petitioner was arrested on 15.12.2020. The petitioner is having two minor children and she has to take care of her and she has not committed any offence as alleged by the prosecution. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that this petitioner is a habitual offender and she is having 12 previous cases, out of which, 3 are similar in nature. Now, investigation is completed and final report has also been filed and the matter is taken cognizance in C.C.No.437 of 2021 on the file of the XVII Metropolitan Magistrate, Saidapet. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that investigation is completed, final report has been filed and the matter is pending 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned II Metropolitan Magistrate, Egmore, Chennai, 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 petitioner shall report before the trial Court, i.e., XVII Metropolitan Magistrate, Saidapet, Chennai, daily at 10.30 a.m., on all working days, until further orders;

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

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

(f) the petitioner 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 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];

(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/-
05/03/2021

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 METROPOLITAN MAGISTRATE NO.II,
EGMORE, CHENNAI.

2 THE METROPOLITAN MAGISTRATE NO.XVII,
SAIDAPET, CHENNAI.

3 THE CHIEF JUDICIAL MAGISTRATE
EGMORE, CHENNAI. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE
R-4, POLICE STATION,
SOUNDARAPANDIYAN ANGADI,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
PUZHAL, CHENNAI.

+1 CC to M/S.M.HUSSAINI BASHA Advocate on payment of necessary charges SR.NO.2794

CRL OP.1114/2021

Date :05/03/2021

TA-08/03/2021