



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4324 of 2021

Boomika

... Petitioner

Vs.

The State rep.by
Inspector of Police
SIPCOT Police Station,
Hosur, Krishnagiri District.
Crime No.617 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Cr.No.617/2020 on the file of the respondent Police.

For Petitioner : Mr.R.Prabhakar

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

O R D E R

(The case has been heard through video conference)

Totally, there are seven accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 07.09.2020 for the offence punishable under Sections 394, 395 r/w 397 of I.P.C., in Crime No.617 of 2020, seeks bail.

2. The case of the prosecution is that A1 in this case is a neighbour of the defacto complainant. On her instigation, all the accused said to have went to the house of defacto complainant and snatched a gold chain and caused injuries to her. Hence, a criminal case has been registered against the petitioner, she was arrested and remanded to judicial custody on 07.09.2020. Now, seeking bail, the present petition has been filed.



3. The learned counsel appearing for petitioner would submit that she is an innocent person and she is no way connected with the offence as alleged in the complaint. He would submit that she has been falsely implicated in the present and she is in jail for more than 180 days. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that on the instigation of the petitioner, the accused persons have committed the offence and they have not only snatched the chain and also caused serious injury to her. She would also submit that the investigation is also completed, final report has been filed and the matter is committed to Mahila Court, Krishnagiri and renumbered as S.C.No.7 of 2021 and the same is pending for framing issues. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that, now the investigation is almost completed, now the matter is at the stage of framing of charges, there is no previous antecedents against the petitioner and also considering the fact that the period of incarceration suffered by the petitioner from 07.09.2020, 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 Sessions Judge, Fast Track Mahila Court, Krishnagiri Dt. 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, after his release from prison, report before the trial court viz., Fast Track Mahila Court, Krishnagiri Dt. 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.

7. 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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
KRISHNAGIRI DISTRICT.

2 THE SUPERINTENDENT,
WOMEN CELL, CENTRAL PRISON,
SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
HOSUR, KRISHNAGIRI DISTRICT

+1 CC to M/S.R.PRABAKAR Advocate on payment of necessary charges
SR.No.2811

CRL OP.4324/2021

Date :05/03/2021

cs 08/03/2021