

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4642 of 2021

Achi @ Mahalakshmi

... Petitioner

Vs.

The Inspector of Police,
Managalampet Police Station,
Cuddalore District.
Crime No.529 of 2020. Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.529 of 2020 on the file of the respondent police.

For Petitioner : Mr. Sarathkumar,
for Mr.S. Panneer Selvan
[IN CRL.OP.NO.4642 OF 2021]

For Petitioner : Mr.S. Panneer Selvan
[IN CRL.MP.NO.4962 OF 2021]

For Respondent : Mrs. M. Prabhavathi,
APP [IN CRL.OP.NO.4642 OF 2021]

For Respondent : MR.K.MADHAN Govt. Advocate (Crl. Side)
APP [IN CRL.MP.NO.4962 OF 2021]

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 26.12.2020 for the offence punishable under Section **[*]380, 392, 411, 413 and 457 of IPC** in Crime No.529 of 2020, seeks bail.

2. Totally, there are two accused and the petitioner is A2. The case of the prosecution is that the petitioner along with A1, who is her husband, has stolen gold jewels worth about Rs.4,30,000/-.

3. The learned counsel for the petitioner would submit that A1, who is the husband of this petitioner, was arrested and subsequently, he was detained under Goondas Act. Since, the respondent police could not recover anything from him, this petitioner has been falsely implicated in this case. She is in jail from 26.12.2020. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that both the petitioner and her husband are habitual offenders. Now, A1 has been detained under Goondas Act. So far as this petitioner is concerned, she is having 3 previous cases, similar in nature. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and the fact that the petitioner, being a lady, is in jail for nearly 3 months and investigation is almost completed, 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 Judicial Magistrate No.II, Virudhachalam, 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 respondent police daily at 10.30 a.m., 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/-
09/03/2021

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.

[*]Amended and Time is extended for a further period of two weeks to comply with the conditions imposed by this Court in Crl.O.P.No.4642 of 2021 dated 09.03.2021, as per order of this Court dated 23/04/2021 made in CRL.MP.NO.4962 OF 2021 IN CRL.OP.NO.4642 OF 2021

TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANAGALAMPET POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1CC to M/S.S.PANNEER SELVAN Advocate on payment of necessary charges SR NO.5229

CRL OP.4642/2021

Date :09/03/2021

TA-09/03/2021