

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7814 of 2021

Sakthipriya

... Petitioner

Vs.

The State,

Rep. by Inspector of Police/Station House Officer,  
Ramanatham Police Station,  
Cuddalore District.

(Crime No.49 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner accused on bail in Crime No.49 of 2021, on the file of the respondent Police Station.

For Petitioner : Mr. M.Sarathkumar

For Respondent : Mrs.M.Prabhavathi  
Additional Public Prosecutor

ORDER

The petitioner, who was arrested on 13.03.2021 and remanded to judicial custody for the offences under Section 328, 392 and 420 of IPC in Cr.No.49 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution in that the petitioner and the defacto complainant were known to each other. On the day of occurrence, the petitioner came to the defacto complainant's house and informed her that she has medicine to prevent corona virus and directed her to take injection. Believing the words of the petitioner, the defacto complainant and her family members took the injection. After administering the medicine, they all feel asleep and when they wake up they found 18 sovereigns of gold ornaments were missing. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case and the petitioner has been in jail from 13.03.2021. He further submits that without prejudice to her defence and contentions, the petitioner, on her own volition, is ready and willing to deposit Rs.75,000/- to the Medical Superintendent/Authorised Officer, Government Hospital, Cuddalore. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner administered injection to the entire family of the defacto complainant and had stolen 18 sovereigns of gold ornaments. She further submitted that the stolen ornaments were recovered and no previous case is pending against the petitioner. The learned Additional Public Prosecutor submitted that the petitioner is now confined at Mahalir Prison, Cuddalore.

5. Taking into consideration the fact that the stolen articles were recovered and also considering the period of incarceration suffered by the petitioner and also the fact that the petitioner, on her own volition is ready and willing to pay cost as may be ordered by this Court to any charitable institution, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on her 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, Thittagudi, and on further condition that:

(a) the petitioner shall to pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand Only) either through RTGS/NEFT/Cash/Demand Draft in favour of "The Medical Superintendent/Authorised Officer, Government Hospital, Cuddalore" for the purpose of treating COVID-19 patients and produce the proof of such payment to the Judicial Magistrate, Thittagudi, at the time of release on bail;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the 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 tamper with evidence or witness either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the learned 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]; and;

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

-sd/-  
28/04/2021

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,  
THITTAGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE  
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,  
PUZHAL CENTRAL JAIL,  
CHENNAI DISTRICT.

4 THE JAIL SUPERINTENDENT,  
MAHALIR PRISON, CUDDALORE.

5 THE INSPECTOR OF POLICE/ STATION HOUSE OFFICER,  
RAMANATHAM POLICE STATION,  
CUDDALORE DISTRICT

6 THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.

7 THE MEDICAL SUPERINTENDENT / AUTHORISED OFFICER,  
GOVERNMENT HOSPITAL,  
CUDDALORE

+1CC to M/S.M.SARATHKUMAR Advocate on payment of necessary charges SR NO.5491

CRL OP.7814/2021

Date :28/04/2021

MK:29/04/2021