



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12372 of 2021

Pooja

... Petitioner

Vs.

The State Represented by,
The Sub Inspector of Police,
Maduranthakam Police Station,
Kancheepuram Distirct.
Crime No.100/2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of her arrest in connection with Crime No.100 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.V.J.Priyadarsana
Government Advocate (Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 392 of IPC later altered to Sections 392 of IPC and 109 of IPC in Crime No.100 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 17.03.2020, the defacto complainant namely Mani along with his daughter was travelling in his Motor Cycle. At that time, the petitioner along with other accused waylaid the defacto complainant and snatched the gold chain from the defacto complainant's daughter. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and that she is a law graduate and without knowing the antecedents of the first accused, she fell in love with him and got married him and only thereafter, she came to know that the first accused has got previous cases against him. He would further submit that the petitioner being law graduate is unable to get herself enrolled as an Advocate because of the pending cases. He



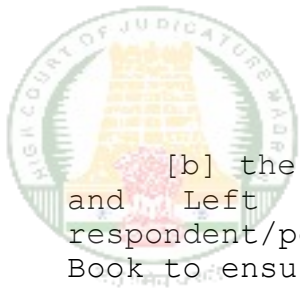
would submit that the petitioner has got a child aged about one year and considering the future of the child, she is also unable to get out of the matrimonial house and she is put to severe hardship and predicament because of the cases pending against her husband. He would further submit that the allegation against the petitioner is that she had helped her husband in disposing the stolen articles and she has been falsely implicated only based on the confession of the main accused. He would further submit that the petitioner is prepared to co-operate with the investigation and he would pray for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the allegation against the petitioner is that she is the wife of the 1st accused and she knowing very well that her husband is an accused, had helped him in disposing of the properties robbed by him. He would further submit the co-accused in this case is a juvenile and the 1st accused along with the juvenile have committed several cases of robbery and they have handed over the booty to the petitioner for selling it in the market. He would submit that there are two previous cases against the petitioner. Hence, he would oppose for grant of anticipatory bail.

5. Finding that the case was in the initial stage of investigation, this Court had dismissed the earlier application for anticipatory bail. The learned counsel for the petitioner has produced the mark sheet and the provisional certificate of the petitioner. It is seen that the petitioner has cleared Law course and she has also been issued the provisional certificate. She has obtained first class degree and because of the pendency of this case, she is unable to get herself enrolled as an Advocate. Further, it is stated that without knowing the background of the main accused, she had developed love affair with him and married him and got a child and considering the future of the child, she is unable to get out of the matrimonial house and that she has been falsely implicated.

6. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her appearance within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Maduranthakam, on further condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only), with two sureties each for the like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which the petition for anticipatory bail shall stand dismissed automatically;



[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the respondent/police may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

WEB COPY [c] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation.

[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].

[g] 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/-

28/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
MADURANTHAKAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



4 SUB INSPECTOR OF POLICE,
MADURANTHAKAM POLICE STATION,
KANCHIPURAM DISTRICT

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CC to M/S A.SARANRAJ Advocate on payment of necessary charges
Sr.7829

CRL OP.12372/2021

Date :28/07/2021

RVR 02/08/2021