



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.14012 of 2021

Gayathiri,

... Petitioner

Vs.

State Rep by
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District
(Crime No.46 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.46 of 2021 on the file of the respondent police.

For Petitioner : Mr.D. Ravindranthan

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)

ORDER

The petitioner who was arrested on 19.07.2021 and remanded to judicial custody for the offences under Sections 457 and 380 IPC, in Crime No.46 of 2021 on the file of the respondent police, seeks bail.

2.Totally there are six accused in this case and the petitioner herein is A1. The case of the prosecution is that the petitioner along with other accused robbed a sum of Rs.17,00,000/- approximately and also some valuable jewels from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 19.07.2021. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to his rights, the petitioner is ready to deposit the amount of Rs.5,00,000/- to the credit of the crime number and also conceded the same may be disbursed to the defacto complainant. However, the learned counsel submitted that before disbursing the amount to the defacto complainant an affidavit of undertaking may be obtained from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.5,00,000/- shall be returned to him.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is four previous case pending as against the petitioner. He further submits a sum of Rs.12,00,000/- was recovered from the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that the petitioner, on his own volition, is ready to deposit an amount of Rs.5,00,000/- to the credit of the crime number and also considering that a sum of Rs.12,00,000/- was recovered from the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his 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 No.1, Kallakurichi, Kallakurichi District, and on further condition that:

(a) the petitioner shall deposit a sum of Rs.5,00,000/- (Rupees five Lakhs Only) to the credit of Cr.No.46 of 2021 before the learned Judicial Magistrate No.1, Kallakurichi, Kallakurichi District,, within a period of two weeks from the date of receipt of a copy of this order . On such deposit being made, learned Judicial Magistrate No.1, Kallakurichi, Kallakurichi District,, shall obtain an affidavit of undertaking from the defacto complainant stating that in the event of the petitioner succeeding the case, the amount of Rs.5,00,000/- deposited by the petitioner to the credit of Cr.No.46 of 2021 will be returned to the petitioner and after obtaining such affidavit of undertaking from the defacto complainant, shall disburse the said amount to the defacto complainant within a period of two weeks thereafter;

(b) 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.

WEB COPY

-sd/-
11/08/2021

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 NO.I,
KALLAKURICHI,
KALLAKURICHI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILUPPURAM DISTRICT. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KALLAKURICHI POLICE STATION,
KALLAKURICHI DISTRICT.

4 THE OFFICER INCHARGE,
FEMALE SUB JAIL, CUDDALORE DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to D.RAVINDRANATHAN Advocate on payment of necessary charges SR.NO.8382

CRL OP.14012/2021

Date :11/08/2021

INBA 12/08/2021