



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.OP.No.15578 of 2021

1. Uma
2. Nathiya

... Petitioners

Vs.

State rep by
The Inspector of Police,
Periyapalayam Police Station,
Thiruvallur District.
(Crime No.408 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C prayed to enlarge the petitioner on bail in Crime No. 408 of 2021 on the file of the respondent police.

For Petitioner : Mr.N. Suriyamuthu

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody from 26.07.2021 for the offence punishable under Sections 379 of I.P.C in Cr.No. 408 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused have stolen 8.5 sovereigns of gold. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners have been in jail from 26.07.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that 6.5 sovereign of jewels were recovered. He further submits that there are 8 previous cases pending against the 2nd petitioner and there is no previous cases pending against the 1st petitioner. However, he vehemently opposed for grant of bail to the petitioner.



5. Considering the previous cases pending against the second petitioner/ Nathiya this application is dismissed with regard to the second petitioner/ Nathiya and with regard to first petitioner, considering the period of incarceration suffered by the first petitioner/A1/Uma, this Court is inclined to grant bail with certain conditions.

6. Accordingly, the first 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 District Munsif cum Judicial Magistrate, Uthukottai and on further condition that:

(a) 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;

(b) the first petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the first petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the first 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;

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

-sd/-

31/08/2021

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.



1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHUKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PERIYAPALAYAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, WOMAN.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.N.SURIYAMUTHU Advocate on payment of necessary
charges SR NO.9290

CRL OP.15578/2021

Date :31/08/2021

CSK 02/09/2021