



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16890 of 2021

Preethi

... Petitioner

Vs.

The State rep by,
The Inspector of Police,
D-1-Triplicane Police Station,
Chennai,
Chennai District.

... 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.571 of 2021 on the file of the respondent police.

For Petitioner : Mr.D.Arun

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.07.2021 for the offences punishable under Section 379 of IPC, in Crime No.571 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had committed theft of 6 grams of gold ring and cash Rs.2000/- from the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and she has been falsely implicated. He further submits that she is in jail from 28.07.2021. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the stolen property has been recovered. However, he vehemently opposed for grant of bail to the petitioner.



5. Considering the fact that the stolen property has been recovered 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 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 Metropolitan Magistrate Court No.II, Egmore, Chennai, 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the 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 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.

The respondent police is directed to return the recovered articles to the defacto complainant after getting necessary acknowledgment.

-sd/-

20/09/2021

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
D1 TRIPLICANE POLICE STATION,
CHENNAI, CHENNAI DISTRICT.

CC to M/S. D.ARUN Advocate on payment of necessary charges

CRL OP.16890/2021

Date :20/09/2021

RW 21/09/2021