



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

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CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21672 of 2021

1.Kasthuri ... petitioners
2.Vimala

Vs.

State through ...Respondent
The Inspector of Police,
Salem Town Crime Police Station,
Salem District.
Crime No: 24 of 2021.

PRAYER: Criminal Original Petition has been filed under Section 24 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.24 of 2021 on the file of the respondent.

For petitioners : Mr.S.Rameshkumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

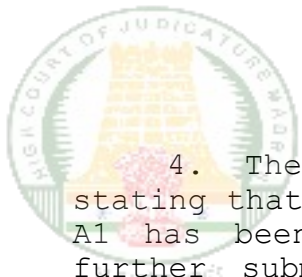
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 23.09.2021 for the offence under **Section 379 of IPC, 1860** in Crime No. 24 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 04.08.2021, to attend a function at Salem, the defacto complainant along with his wife had travelled in a bus with a bag containing gold ornaments, cash of Rs.2500/- and a cell phone and at about 5 p.m., while they were walking from Salem Patai Kovil Bus Stop to go to Shri Vaishnava Saba, they found their gold ornaments, cash and cell phone missing. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case and they are no way connected with the alleged offence and they are ready to abide by any stringent condition that may be imposed by this Court. He would submit that the petitioners have been suffering incarceration for more than 50 days from 23.09.2021. Hence, he would pray for grant of bail to the petitioners.



4. The learned Government Advocate raised strong objection stating that the petitioners are arrayed as A3 and A2 respectively and A1 has been arrested and remanded to judicial custody. He would further submit that the 1st petitioner/A3 has no previous case whereas, the 2nd petitioner /A2 has got 7 previous cases and the stolen properties have been recovered by the respondent police and that the investigation is almost completed.

5. Considering the fact that the 2nd petitioner/A2 has got 7 previous cases against her, this Court is not inclined to grant bail to the 2nd petitioner/A2. **Accordingly, this petition is dismissed insofar as the 2nd petitioner/A2 is concerned.**

6. Insofar as the 1st petitioner/A3 is concerned, since, she has got no previous case and the investigation is almost completed and the properties have been recovered and also considering the period of incarceration undergone by her, **this Court is inclined to grant bail to the 1st petitioner/A3 with certain conditions;**

8. Accordingly, the 1st 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-I , Salem,** and on further conditions 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 1st petitioner shall report before the respondent every Friday at 10.30 a.m. until further orders.

(d) the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in



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

-sd/-
18/11/2021

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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, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SALEM TOWN CRIME POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S.S.RAMESHKUMAR Advocate on payment of necessary charges SR.NO.12959

CRL OP.21672/2021

Date :18/11/2021

TA-18/11/2021