



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2021

CORAM:

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

Crl.O.P.No.22474 of 2021

Kaviya

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram District
Crime No.1565 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.1565 of 2021 on the file of the respondent police

For Petitioner : Mr.V.Anandhan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 19.10.2021 for the offence under Section 379 of IPC in Crime No.1565 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner boarded in an auto in which the de facto complainant was travelling and without the knowledge of the defacto complainant, the petitioner stolen her money purse which was containing one pair of gold stud weighing 1/4 sovereign and a gold ring weighing 1/2 gram. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is a poor platform vendor and she has got three children and that she is no way connected with the alleged offence and she has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 60 days from 19.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection but admits that the stolen property has been recovered and the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the investigation is almost completed and the stolen property has been recovered and also considering the period of incarceration undergone 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 Judicial Magistrate-II, Kancheepuram, and on further conditions that:

(a) the sureties shall affix her 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 every Monday and Saturday 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.

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-sd/-
29/11/2021

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.II, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE SUPERINTENDENT,
SPECIAL CENTRAL PRISON FOR WOMEN,
BAGAYAM VELLORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. V.ANANDHAN Advocate on payment of necessary charges
SR.NO.13593

CRL OP.22474/2021

Date :29/11/2021

JPA 29/11/2021