



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.25267 of 2021

Kavitha @ Naseem Fathima

.. Petitioner

Vs.

The Inspector of Police
Erode North Police Station
Erode District
(Crime No.644 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.644 of 2021 on the file of the Inspector of Police, Erode North Police Station, Erode District.

For Petitioner : Mr.S.Jayaprakash

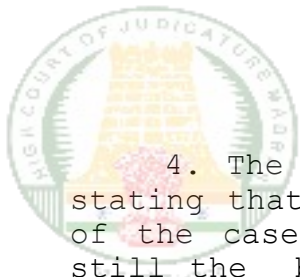
For Respondent : Mr.N.S.Suganthan
Government Advocate

O R D E R

The petitioner who was arrested and remanded to judicial custody on 18.11.2021 for the offences under Sections 380 of IPC in Crime No.644 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the Head Clerk of FTC-II, Erode. The case bundle in STC No.746 of 2021 was found missing. During investigation, it was found that the petitioner along with other accused committed theft of the case bundle and completely tore and damaged the same. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an Advocate Clerk by profession and she has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that A1 and A2 have been granted anticipatory bail and that the petitioner has been suffering incarceration for more 35 days from 18.11.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner along with other accused committed theft of the case bundle and completely tore and damaged the same and still the bundle has not been recovered but admits that co-accused have been granted anticipatory bail by this Court 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 co-accused/A1 and A2 have been granted anticipatory bail 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-cum-District Munsif, Kodumudil, Erode District, 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 petitioner shall report before the respondent police on every 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.

-sd/-

22/12/2021

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 CUM
DISTRICT MUNSIF, KODUMUDIL, ERODE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ERODE NORTH POLICE STATION, ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
WOMEN PRISON, COIMBATORE.

CC to M/S.S.JAYAPRAKASH Advocate on payment of necessary
charges Sr.15335

CRL OP.25267/2021

Date :22/12/2021

RVR 22/12/2021