



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4908 of 2021

P.Aarthi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Ramaeswaram Town Police Station,
Ramaeswaram.
Crime No.31/2021.

... Respondent/Complainant

For Petitioner : Mr.N.Jeyaram Siddharth,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime no. 31 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused herein, who was arrested and remanded to judicial custody on **(*)11.02.2021** for the offences punishable under Section 392 of IPC, in Crime No.31 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner was said to have robbed 3 sovereigns of gold chain from the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is having five previous cases and in this case the property was recovered.



5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the property has been recovered, this Court is inclined to grant bail to the petitioner subject to the following 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 **(*) District Munsif cum Judicial Magistrate, Rameshwaram.**

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
31/03/2021

**(*) Corrected as per order dated
08.04.2021 in CrI.OP(MD)No.4908 of 2021.**

/ TRUE COPY

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

(*)To be substituted with the order dated 31/03/2021 already despatched

1.THE PRINCIPAL DISTRICT JUDGE, RAMANATHAPURAM.

2.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESHWARAM.

3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

4.THE INSPECTOR OF POLICE,
RAMAESWARAM TOWN POLICE STATION,
RAMAESWARAM.

5.THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN, MADURAI.

6.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.N.JEYARAM SIDDHARTH Advocate SR.No.2976

ORDER

IN

CRL OP(MD) No.4908 of 2021

Date :31/03/2021

VSG

TK/VR/SAR.3/31.03.2021/3P/5C

TK/PN/SAR.3/09.04.2021/3P/8C