



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

Date : 27/05/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD)No.7106 of 2021

1. Indra @ Gomathy
2. Kavitha @ Nathiya

... Petitioners/ Petitioners/
Accused 1 and 2

(The petitioners name and their husband names
are wrongly mentioned in the lower court order
in Crmp.No.2375/2020 as well as in the
order in Cr1.OP.No.14303/2020)

- Vs-

State Rep.by
The Inspector of Police,
B1, Ramanathapuram Police Station,
Ramanathapuram District.
Crime No.269/2020.

... Respondent/ Respondent/
Complainant

For Petitioners : Mr.M.Suresh,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

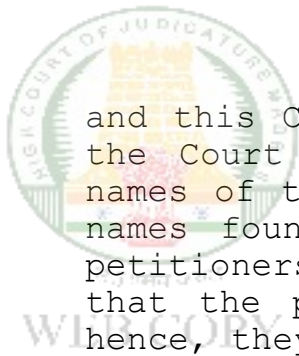
PRAYER :- For Bail in Crime No. 269/2020 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial
custody on 12.10.2020 for the offences punishable under Section 392
of IPC in Crime No.269 of 2020 on the file of the respondent police,
seek bail.

2.The case of the prosecution is that on 12.10.2020, at about
11.00 am., in order to commit robbery, the first accused pushed down
the defacto complainant and after he fell down, the second accused
robbed the defacto complainant's purse. Hence the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners already filed a petition in Cr1.O.P.(MD)No.14303 of 2020



and this Court granted bail to the petitioners on 08.02.2020, but, the Court below refused to accept the sureties stating that the names of the petitioners found in the order copy differed from the names found in the Aadhar Cards of the petitioners. Hence, the petitioners filed the present petition. He would further submit that the petitioners are in judicial custody from 12.10.2020 and hence, they may be granted bail.

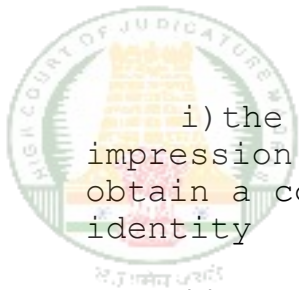
4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners have purposely given false names and only after refusal of the Court below to accept the sureties, the respondent police filed an application before the Court below in Crl.M.P.No.904 of 2021 to conduct an enquiry to find out the real names of the petitioners.

5.It is not in dispute that the petitioners had already filed a petition in Crl.O.P.(MD)No.14303 of 2020 seeking bail and this Court has granted bail vide order dated 08.12.2020. It is the specific case of the petitioners that when they furnished the sureties as per orders of this Court, the Court below, after coming to know the fact that the names of the petitioners found in the order copy differed from the names found in the Aadhar Cards of the petitioners, refused to accept the sureties. Hence, the petitioners are constrained to file this petition.

6.This Court had already granted bail to the petitioners as early as on 08.12.2020. As rightly pointed out by the learned counsel for the petitioners, after refusal of the sureties by the Court below, the prosecution moved an application seeking permission of the learned Magistrate to conduct an enquiry to find out the real names of the petitioners.

7.Considering the above facts and considering the period of incarceration and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioners on bail, subject to the following conditions:

8.Accordingly, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)each before the Jail Authority. The petitioners after their release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Ramanathapuram.



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 petitioners shall report before the respondent police as and when required.

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

iv)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

27/05/2021

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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

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
B1, RAMANATHAPURAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.7106 of 2021

Date :27/05/2021

GNS

<https://hns.csls.gov.in/Server/MS/MSIP/CSOP/3/27/05.2021/3P.6C>