



Crl.O.P.No.22964 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22964 of 2022

Mallika

... Petitioner

Vs.

The State represented by,
Station House Officer,
Rasipuram Police Station,
Rasipuram, Namakkal,
Crime No.269 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.269 of 2022 on the file
of the respondent Police.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2022 for the alleged offences punishable under Sections 328 and 380 of IPC in Crime No.269 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner by administering juice mixed with stupefying substance to the mother of the de-facto complainant and committed theft of 4 sovereigns of gold from her. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner, aged about 60 years, is an innocent person and due to the previous enmity, she has been falsely implicated in this case. He would further submit that there is no previous case against the petitioner and even as per the prosecution, the jewels has been recovered. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner administered the juice mixed with stupefying substance to the mother of the de-facto complainant and committed theft of 4 sovereigns of gold from her. He would further submit that there is no previous case as against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and also considering the petitioner being lady and also the period of incarceration undergone by her, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five**



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thousand only) with two sureties, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Rasipuram**, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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]**;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC;

22.09.2022

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To

1. The Judicial Magistrate, Rasipuram.
2. The Station House Officer,
Rasipuram Police Station,
Rasipuram, Namakkal
3. The District Women Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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