



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25170 of 2021

Sumaya Banu

... Petitioner

Versus

State Rep by
The Inspector of Police
N1, Royapuram Police Station,
Royapuram,
Chennai-600 013.
(Crime No.67 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of her arrest in Crime No.67 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/s.R.Suresh

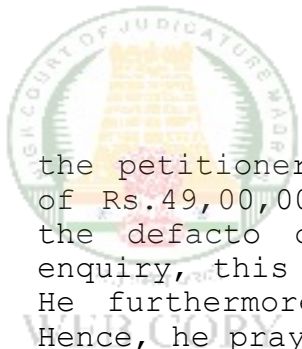
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 380 IPC in Crime No.67 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are relatives. Often, the petitioner and her husband used to visit the defacto complainant's house. It is alleged that in the absence of defacto complainant, the petitioner along with her husband have stolen 56 Sovereigns of gold from the defacto complainant's house. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution. He further submits that the alleged jewels were belong to the petitioner and which was taken by the defacto complainant without her knowledge. On 29.10.2020, the defacto complainant has lodged a false complaint in CSR.No.754 of 2020 against



the petitioner and her husband stating that they have borrowed a sum of Rs.49,00,000/- and obtained 57 Sovereigns of gold ornaments from the defacto complainant. Subsequently, during the pendency of the enquiry, this false complaint was lodged by the defacto complainant. He furthermore submits that accused/A2 has been released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that there are totally 5 accused persons in which accused/A1, A3, A4 and A5 are still absconding. He further submits that out of 56 Sovereigns of gold, 45 Sovereigns of gold were recovered by the respondent police. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. On perusal of the records, which reveal that there is a dispute between the parties with regard to money transaction and considering that out of 56 Sovereigns of gold, 45 Sovereigns of gold has been recovered by the respondent police, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned XVI Metropolitan Magistrate, George Town, Chennai on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police on every Tuesday and Saturday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

(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/-

05/01/2022

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 XVI METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
N1, ROYAPURAM POLICE STATION,
ROYAPURAM, CHENNAI-600 013.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.R.SURESH Advocate on payment of necessary charges
SR.NO.254

CRL OP.25170/2021

Date :05/01/2022

INBA-07/01/2022