



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

WEB COPY

CORAM:

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

Crl.O.P.No.25342 of 2021

Vimala

.. Petitioner

Vs.

State represented by
Inspector of Police
H8 Thiruvottiyur Police Station,
Thiruvottiyur Chennai
(Crime No.3206/2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory Bail in the event of his arrest in Cr.No.3206 of 2021 pending investigation on the file of the respondent H8, Thiruvottiyur Police.

For Petitioner : Mr.K.Anburajan

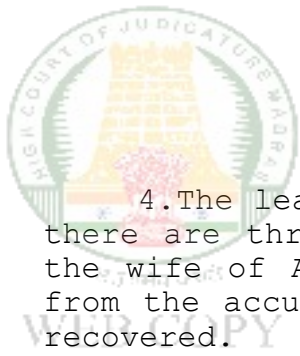
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.3206 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's husband along with other accused had stolen the cash of Rs.4,00,000/- belongs to the defacto complainant which was kept in his bike tanker cover. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and she has been falsely implicated in this case. However, on instructions, he submits that the petitioner without prejudice to her rights, on his own volition, is ready to deposit a sum Rs.1,00,000/- to the credit of Crime No.3206 of 2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that totally there are three accused involved in this case and the petitioner is the wife of A1. He further submits that Rs.2,14,000/- was recovered from the accused and the balance amount of Rs.1,20,000/- was not yet recovered.

5. Considering the facts and circumstances of the case and also the facts that the petitioner is ready to deposit a sum of Rs.1,00,000/- to the credit of Crime No.3206 of 2021, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.3206 of 2021, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the *learned Judicial Magistrate, Thiruvottiyur* 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 is directed to deposit a sum of Rs.1,00,000/- (Rupees One lakh only) to the credit of Crime No.3206 of 2021 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.1,00,000/- on proper identification and acknowledgment;

[b] 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;

[c] the petitioner shall report before the respondent police as and when required for an interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

[f] 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 has been



imposed and the petitioner is 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

04/01/2022

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 JUDICIAL MAGISTRATE,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
H8 THIRUVOTTIYUR POLICE STATION,
THIRUVOTTIYUR, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.ANBURAJAN Advocate on payment of necessary charges

CRL OP.25342/2021

Date :04/01/2022

CSK 20/01/2022