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Crl.O.P.No.25311 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

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

Crl.O.P.No.25311 of 2022

Anitha

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B1 Ooty Town Central Police Station,
Udhagamandalam District.

Crime No.191 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in connection with Crime No.191 of
2022 on the file of the respondent Police.

For Petitioner : Mr.C.Sivakumar

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



Crl.O.P.No.25311 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.09.2022 for the offences punishable under Sections 392 & 397 IPC in Crime No.191 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that on 04.09.2022, while the de-facto complainant along with his father carrying the cash bag containing the amount of Rs.52lakhs to disburse it to the whole sale dealers, the petitioner along with the other accused waylaid the de-facto complainant and his father and by assaulting him with weapon, taken away the cash bag from them. Hence the complaint.

3. The learned Counsel appearing for the petitioner would submit that the petitioner is an innocent person and her name does not find place in the First Information Report. He would further submit that since the respondent Police who were in search of some of the petitioner's family members, unable to secure them, had taken the petitioner to illegal custody and remanded her in this case. He would also submit that there is no previous case



Crl.O.P.No.25311 of 2022

as against the petitioner and since, she has been in custody from 23.09.2022, her child is suffering. He would also submit that she is ready to abide by any stringent conditions that may be imposed by this Court and ready to appear before the respondent police everyday and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the member of the gang and the petitioner along with the other accused have followed the de-facto complainant and his father, who were carrying the cash bag to disburse the amount to whole sale dealers, knowing that they have been carrying the cash bag, waylaid them and by assaulting them, taken away the cash bag which contains Rs.52 lakhs from them. He would further submit that the petitioner who has diverted the de-facto complainant. He would also submit that only a sum of Rs.90,000/- has been recovered and the balance amount is yet to be recovered and also some of the accused are yet to be apprehended. He would further submit that the investigation is pending. Therefore, he vehemently oppose to grant bail to the petitioner.



Crl.O.P.No.25311 of 2022

WEB COPY

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

6. Taking into consideration the facts and the submissions made by the learned Counsel for the petitioner and taking note of the period of incarceration undergone by the petitioner and also considering that there is no previous case as against the petitioner, 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 thousand only)** with **two sureties** , each for a like sum to the satisfaction of the **learned Judicial Magistrate, Nilgiri**, 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;



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Crl.O.P.No.25311 of 2022

[b] the petitioner shall report before the respondent police, everyday at 10.30 a.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]**;

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

19.10.2022

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Crl.O.P.No.25311 of 2022

WEB COPY

To

1. The Judicial Magistrate Court, Nilgiri.
2. The Inspector of Police,
B1 Ooty Town Central Police Station,
Udhagamandalam District.
3. The Women Central Prison, Coimbatore.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25311 of 2022

A.D.JAGADISH CHANDIRA,J.

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Crl.O.P.No.25311 of 2022

19.10.2022