



Crl.O.P.No.25386 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

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1.Vennila

2. Kavitha

3. Sathya

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Railway Police,
Dharmapuri.

(Crime No.07/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in C.C.No.422 of 2022 pending trial
on the file of the learned Judicial magistrate Court I, Dharmapuri.

For Petitioners : Mr.V.Purushothaman Reddy

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



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ORDER

The petitioners, who were arrested and remanded to judicial custody on 22.07.2022, for the offences punishable under Section 379 of IPC in Crime No.07 of 2022, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 27.02.2022, when the de-facto complainant was traveling by train from Madurai to Bangalore, the petitioners as co-passengers have stolen the gold jewels worth about Rs.3,59,000/- from the de-facto complainant. Hence, the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and since, they travelled together with the de-facto complainant, they have been falsely implicated in this case. He would further submit that the second and third petitioners are the daughter and daughter-in-law of the first petitioner respectively. He would further submit the respondent has completed the investigation and also filed the final report before the learned Judicial Magistrate I, Dharmapuri. He would further submit that the petitioners are in custody from 22.07.2022 and



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they have to engage a counsel to defence their side. 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 petitioners have stolen the gold jewels worth about Rs.3,59,000/- from the de-facto complainant, while he was traveling in a train from Madurai to Bangalore. He would further submit that the jewels have been recovered from the accused and the investigation has been completed and the final report has also been filed in C.C.No.422 of 2022 on the file of the learned Judicial Magistrate I, Dharmapuri. He would also submit that PW1 to PW5 have been examined and the case now stands posted for further proceedings on 10.11.2022. He would also state there is no previous case in respect of the first and third petitioners and there is a case pending as against the second petitioner. Hence, he oppose for grant of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that the petitioners are ready to furnish the proof for their permanent residence and also ready to furnish adequate sureties. Hence, he prays for



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grant of bail to the petitioners.

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

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel that the petitioners are relatives and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties** (out of which one surety should be a blood related surety and should produce document to show his/her means, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Dharmapuri** and on further conditions that:



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[a] the petitioners shall produce the proof for their permanent residence before the learned trial Judge concerned;

[b] 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;

[c] the petitioners shall report before the learned trial Judge on all working days at 10.30 a.m., until further orders;

[d] the petitioners shall not abscond during trial;

[e] the petitioners shall not tamper with evidence or witness during trial;

[f] 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]*;



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

04.11.2022

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To

1. The Judicial Magistrate No.I,
Dharmapuri.
2. The Inspector of Police,
Railway Police,
Dharmapuri.
3. The Special Sub Jail for Women,
Salem.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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