



Crl.O.P.No.25559 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25559 of 2022

M.Kala

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Vellore DCB P.S.,
(Crime No.5 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.5 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.L.Dhamodharan

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 09.09.2022, for the offences punishable under Sections 465, 466, 468, 471, 420 of IPC r/w Section 91 of the Right of Person with Disability Act, 2016, in Crime No.5 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused have fabricated the documents in order to avail the benefits of the welfare schemes available for the disabled persons under the Right for Persons with Disability Act. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent. He would also submit that the petitioner is a member of a self help group and the other accused on the promise of assuring some benefits have fabricated documents. He would further submit that there are no previous cases as against the petitioner and the petitioner is in custody from 09.09.2022. Therefore, 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 the petitioner along with the other accused fabricated documents to avail the benefits of the welfare schemes available for the persons with disabilities. He would also submit that the investigation is pending. Therefore, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and 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 I, Vellore**, and on further conditions that:



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[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 daily 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.

20.10.2022

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To

1. The Judicial Magistrate I,
Vellore.
2. The Inspector of Police,
Vellore DCB Police Station.
3. The Central Women Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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