



Crl.O.P.No.27825 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2022

CORAM

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

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1. Geetha

2. Latha

... Petitioners

Vs.

State rep. by,
The Inspector of Police,
T-6 Avadi Police Station,
Chennai.

(Crime No.724 of 2022)

... Respondent

Prayer: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in Crime No.724 of 2022, pending on
the file of the respondent Police.

For Petitioners : Mr.S.K.Mageshwaran

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 28.09.2022, for the offences punishable under Sections 392, 397 & 506 (ii) of IPC, in Crime No.724 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant/Jayanthi is that on 28.09.2022, when the de-facto complainant had gone to the temple, the accused had removed 1/2 sovereigns of gold bangles from her child without her knowledge and through the CCTV footage in the temple, the accused were found to have committed theft. The further allegation is that when the de-facto complainant and her family members tried to apprehend the accused, they had threatened by throwing the acid bottle. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, since they have got several previous cases. He would further submit that



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a case under Section 379 IPC has been projected as a case under Sections 392 & 506 (ii) IPC. He would also submit that the petitioners are in custody from 28.09.2022 and thereby, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners have committed theft of 1/2 sovereigns of gold bangles from the de-facto complainant's child and they have also threatened the de-facto complainant and her family by throwing acid bottle over them. He would further submit that the petitioners are the habitual offenders involving in similar offence and as far as the first petitioner is concerned, she has got 2 previous cases and in respect of the second petitioner, there are four previous cases. Hence, he would vehemently oppose for grant of bail to the petitioners.

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



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering their period of incarceration, this Court is inclined to grant bail to the petitioners.

7. 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 shall be a blood relative), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Poonamallee**, 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;

[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m. and 5.30p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence



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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 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]**;

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

14.11.2022

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To

1. The Judicial Magistrate No.II,
Poonamallee.
2. The Inspector of Police,
T-6 Avadi Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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