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Crl.O.P.No.2248 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2023

CORAM :

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

Crl.O.P.No.2248 of 2023

Panjalai,
W/o.Jayakumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Pennadam Police Station,
Cuddalore Dt.
(Crime No.587 of 2022)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.587 of 2022 pending on the file of respondent police.

For Petitioner : Mr.M.Kalaiyaran

For Respondent : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl.Side.)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.12.2022 for the alleged offence under Sections 392, 397 of I.P.C. in Crime No.587 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 21.12.2022, at about 03.00 p.m., when the defacto complainant went to fetch water for the petitioner, she snatched her 2 sovereigns of gold chain. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and she is no way connected with the offence. He would submit that she has not at all committed any offence as alleged by the respondent police and she has been falsely implicated in this case and she will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration



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for more than 42 days from 21.12.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the petitioner is the sole accused and no previous case pending against her. He would submit that on the date of occurrence, the petitioner entered into house of the defacto complainant and asked her to provide water. Thereafter, when she went to fetch water for her, she snatched her 2 sovereigns of gold chain. He would submit that now the chain was recovered. He would submit that that if she is released on bail, she would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that the chain was recovered and no previous case pending against her and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:



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6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Tittagudi**, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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. for period of two months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law



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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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

02.02.2023

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To

1. The Judicial Magistrate,
Tittagudi.
2. Inspector of Police,
Pennadam Police Station,
Cuddalore.
3. The Superintendent of Prison,
Central Prison (Women), Cuddalore.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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Crl.O.P.No. 2248 of 2023

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