



Crl.O.P.Nos.7188, 7190, 7192 & 7194 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

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

Crl.O.P.Nos.7188, 7190, 7192 & 7194 of 2023

Gandhimathi

... Petitioner in all Crl.O.Ps.

Vs.

The State represented by,
The Inspector of Police,
Ethappur Police Station,
Salem District.

(Crime Nos.495, 469, 470 & 446 of 2022)

...Respondent in all Crl.O.Ps.

Prayer in Crl.O.P.No.7188 of 2023 : Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.495 of 2022, pending investigation on the file of the respondent Police.

Prayer in Crl.O.P.No.7190 of 2023 : Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.469 of 2022, pending investigation on the file of the respondent Police.



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Prayer in Crl.O.P.No.7192 of 2023 : Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.470 of 2022, pending investigation on the file of the respondent Police.

Prayer in Crl.O.P.No.7194 of 2023 : Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner/accused on bail, in connection with the Crime No.446 of 2022, pending investigation on the file of the respondent Police.

In all Crl.O.Ps.,

For Petitioner : Mr.L.Mouli

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

COMMON ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.12.2023, for the offences punishable under Sections 454 & 380 of IPC, in Crime No.495, 469, 470 & 446 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution in Crl.O.P.No.7188 of 2023, as per the de-facto complainant Dinesh Babu is that some one has broke open his



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house and committed theft of gold jewels and a sum of Rs.25,000/- from his house. Based on his complaint, a case in Crime No.495 of 2022 came to be registered for the offence under Sections 454 & 380 of IPC. Hence the case.

2.2. The case of the prosecution in Crl.O.P.No.7190 of 2023, as per the de-facto complainant Chinnadurai is that some one has broke open his house and committed theft of gold jewels and a sum of Rs.50,000/- from his house. Based on his complaint, a case in Crime No.469 of 2022 came to be registered for the offence under Sections 454 & 380 of IPC. Hence the case.

2.3. The case of the prosecution in Crl.O.P.No.7192 of 2023, as per the de-facto complainant Pandian is that some one has broke open his house and committed theft of gold jewels and a sum of Rs.60,000/- from his house. Based on his complaint, a case in Crime No.470 of 2022 came to be registered for the offence under Sections 454 & 380 of IPC. Hence the case.

2.4. The case of the prosecution in Crl.O.P.No.7194 of 2023, as per the de-facto complainant Raman is that some one has broke open his house and committed theft of gold jewels worth about Rs.75,500/- from his house.



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Based on his complaint, a case in Crime No.446 of 2022 came to be registered for the offence under Sections 454 & 380 of IPC. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He also submitted that even in the First Information Report, name of the petitioner does not find place and the respondent had arrested the petitioner, only based on the suspicion. He further submitted that other than these four cases, no case is pending as against the petitioner. He also submitted that the the petitioner is a widow having two children and her son is studying 2nd year B.Com in Vysya College and her daughter is studying in Municipality Government Higher Secondary School, Ammapet and he has also produced the details with regard to the same. He also submitted that the petitioner is in custody from 26.12.2022 and she is ready to abide by any stringent conditions that may be imposed by this Court. Hence he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the



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respondent police submitted that the petitioner is a habitual offender and she has involved in theft of jewels and amount from the house of the de-facto complainants in all cases, by breaking open their houses. He also submitted that apart from these four cases, no cases are pending against the petitioner. He also submitted that out of these cases, in crime No.446 of 2022, charge sheet has been filed and the case has also been taken up on the file of the learned Judicial Magistrate-I, Attur in C.C.Nos.49 of 2023 and in Crime No.469 of 2022, charge sheet has been filed and it is yet to be taken on file. He also submitted that in other two cases, the investigation is still pending, hence, he vehemently opposed for grant of bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, taking note of the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.



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7. Accordingly, the petitioner is ordered to be released on bail on her executing a separate bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties** in each crime number, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Attur**, 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 petitioner shall appear before the **Judicial Magistrate No.I, Attur** on all working days at **10.30 a.m.**, for a period of three weeks and thereafter, on the dates fixed by the learned trial Judge and the petitioner shall also report before the respondent Police, every Saturday at **06.30 p.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



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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.

13.04.2023

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To

1. The **Judicial Magistrate No.I, Attur**
2. The Inspector of Police,
Ethappur Police Station,
Salem District.
3. The Central Prison,
Salem District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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