



3.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). Nos.5020, 5026 and 5040 of 2023

Ramalakshmi @ Petchiammal

... Petitioner/A2
in all petitions

Vs

State Rep.by
The Inspector of Police,
Tiruchendur Temple Police Station,
Tuticorin District.
Crime No.18/2023

... Respondent/Complainant
in Crl OP(MD).5020/2023

State Rep.by
The Inspector of Police,
Tiruchendur Temple Police Station,
Tuticorin District.
Crime No.16/2023

... Respondent/Complainant
in Crl OP(MD).5026/2023

State Rep.by
The Inspector of Police,
Tiruchendur Temple Police Station,
Tuticorin District.
Crime No.17/2023

... Respondent/Complainant
in Crl OP(MD).5040/2023

IN ALL PETITIONS :

For Petitioner : M/s.Suyambulinga Bharathi K,
Advocate.

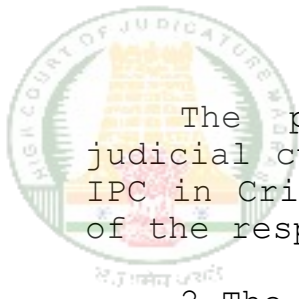
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITIONS FOR BAIL Under Sec.439 of Cr.P.C.

COMMON PRAYER :-

For Bail in Crime Nos.18, 16, 17/2023 on the file of the
respondent police.

COMMON ORDER : The Court made the following order :-



3.

The petitioner/accused who was arrested and remanded to judicial custody on 01.02.2023 for the offence under section 379 of IPC in Crime Nos.18 of 2023, 16 of 2023 and 17 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution in CrI.O.P(MD) No.5020 of 2023 is that the petitioner said to have committed theft of 10 grams of gold chain, hence the case.

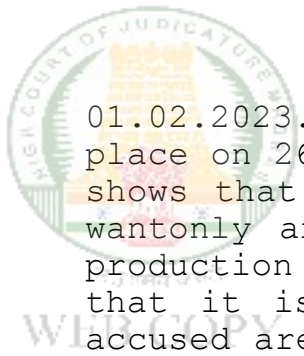
3.The case of the prosecution in CrI.O.P(MD) No.5026 of 2023 is that the petitioner said to have committed theft of 24 grams of gold chain, hence the case.

4.The case of the prosecution in CrI.O.P(MD) No.5040 of 2023 is that the petitioner said to have committed theft of 10 grams of gold chain, hence the case.

5.The learned counsel appearing for the petitioner would submit that the petitioner involved in similar types of offences till 2016 and thereafter she never involved in any offence. Even according to the case of prosecution, in the case on hand the petitioner has been implicated as second accused on receipt of CCTV footage in which the petitioner also present. He further submitted that even before the trial Court the petitioner has filed an application under section 91 of Cr.P.C to see the CCTV footage dated 02.02.2023 from 03.15 p.m., to 03.50 p.m at Arulmighu Subramaniya Swamy Temple in HR &CE Office, under the custody of Tiruchendur Temple (ehop fpzW) nearest place and Kovil Out Post Police station. In the said CrI.M.P. No.934 of 2023 the respondent filed counter stating that there are already 125 CCTV cameras already installed and most of the cameras are fixed inside the temple and rest of it are fixed in the bald area and there is no CCTV camera fixation in Naalikinaru bus stand and temple out post police station. Since there is non maintainability of camera by HRCE in Naalikinaru around area the CCTV footage are not in the working condition. There is no CCTV cameras available in the disputed area, whereas in the present three cases the respondent police implicated the petitioner as second accused only based on the CCTV footage. He would further submit that the petitioner is judicial custody from 01.02.2023, hence he seeks bail.

6.The learned Additional Public Prosecutor produced the CCTV footage in which the petitioner's photo has been identified as if she was also present.

7.A close watch of the said photo it is seen that the photo of the petitioner was inserted between two ladies, as if she also involved in the crime. Therefore it is a clear put up case as against the petitioner. That apart in Crime No.18 of 2023 the alleged occurrence took place on 26.01.2023, whereas complaint was lodged on 02.02.2023. In Crime No. 16 of 2023 the alleged occurrence took place on 01.01.2023, whereas the complaint was lodged on



01.02.2023. In Crime No.17 of 2023 the alleged occurrence took place on 26.01.2023, whereas complaint was lodged on 01.02.2023. It shows that only to fix the petitioner as an accused the respondent wantonly and wilfully implicated the petitioner as an accused on production of CCTV footage. Now CCTV footage is also very clear that it is morphed by the respondent police. Now- a- days the accused are being morphed on the CCTV footage by the investigation officers. It is a sorry state of affairs that the investigation officers are indulging in such activities in order to implicate the petitioner as an accused. It is very condemnable. This Court also recommends that appropriate action should be taken against the officials who has taken the CCTV footage and photos. Further it is also seen that though the petitioner involved in so many cases most of the cases ended in acquittal and the last case was registered in the year 2016 and thereafter no case has been registered. Now after a period of 7 years those case were registered as against the petitioner implicating her as an accused on the strength of CCTV footage.

8. Taking into consideration the facts and circumstances of the case and also submissions made by the learned counsel for the petitioner and also the period of incarceration this court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 common sureties (in all the three cases) each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchendur and on further conditions that:

[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.

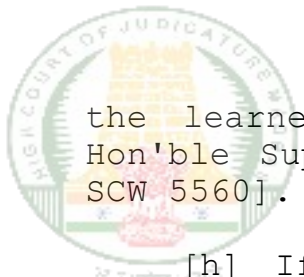
[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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 as if the conditions have been imposed and the petitioner released on bail by



the learned Magistrate/Trial Court himself as laid down in the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
21/03/2023

/ TRUE COPY /

21/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUCHENDUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
 - 3 THE OFFICER INCHARGE, SPECIAL WOMEN SUB JAIL, KOKKIRAKULAM, TIRUNELVELI.
 - 4 THE INSPECTOR OF POLICE, TIRUCHENDUR TEMPLE POLICE STATION, THOOTHUKUDI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.SUYAMBULINGA BHARATHI, Advocate (SR-4633[I] dated 21/03/2023)

ORDER IN
CRL OP(MD). Nos.5020, 5026 and 5040 of 2023
Date :21/03/2023

RS/MMS/SAR-(21.03.2023) 4P 7C