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Crl.O.P.No.14659 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2024

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

Crl.O.P.No.14659 of 2024

Asha

... Petitioner

Vs.

State represented by
The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.
Crime No.33 of 2024

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.33 of 2024 on the file of the respondent Police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.V.Meganathan
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed by the petitioner/A6, who was arrested and remanded to judicial custody on 29.04.2024, seeking bail in Crime No.33 of 2024 for the alleged offences punishable



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under Sections 363, 364(A), 324, 384, 387, 506(ii) of IPC.

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2. Learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He further submitted that only based on the confession statement recorded from the other accused, the petitioner was arrested in this case and other than that the petitioner is no way connected with the alleged offence. He also submitted that the co-accused have been granted bail by this Court in Crl.O.P.Nos.2626 & 5540 of 2024 vide orders dated 28.02.2024 and 06.03.2024. He further submitted that the petitioner has been suffering incarceration from 29.04.2024 and she is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for bail.

3. Learned Government Advocate (Criminal Side) submitted that the petitioner/A6 became acquainted with the de facto complainant, who is doing a jewellery business and there were various transactions between them and when the petitioner insisted the de facto complainant to marry her, he had refused. Thereby, the petitioner, in collusion with the other accused, kidnapped the de facto complainant and by demanding a sum of



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Rs.50 lakhs, forcefully taken his Hyundai Verna Car, Royal Enfield Bike along with its original RC books, three blank cheques having his signatures and an amount Rs.1,00,000/- and insisted him to pay the remaining amount for returning his belongings. Further, the accused had threatened the de facto complainant not to made any complaint to the police and thereafter, on the advice of his father, the de facto complainant had lodged a complaint before the respondent. He also submitted that the car and other materials taken from the de facto complainant were recovered and the investigation is almost completed, however, he vehemently opposed for allowing this petition.

4. Heard the learned counsel for the petitioner and the lerned Government Advocate (Criminal Side) and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case and taking note of the fact that the co-accused have been granted bail by this Court and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject



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to certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties (**out of which one shall be the blood related surety**), for a like sum to the satisfaction of the learned **Judicial Magistrate No.I, Thirupathur** 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, without prejudice to her defence, is directed to deposit a sum of **Rs.30,000/- (Rupees thirty thousand only)** to the credit of the “Akshaya Trust, SB Account No.50100229455060, IFSC No.HDFC0003631, HDFC Bank, Royapettah Branch” within a period of one week from the date of her release and shall produce the proof before the satisfaction Court, without fail;

[c] the petitioner shall report before the respondent Police on every Saturday at 10.30a.m., for a period of three months and thereafter, as and



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when required for interrogation;

[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 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]*;

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

28.06.2024

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T.V.THAMILSELVI, J.

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To

1. The Judicial Magistrate No.I, Thirupathur.
2. The Special Prison for Women, Vellore.
3. The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.
4. The Public Prosecutor,
High Court of Madras.

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