



Crl.O.P.No.19242 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.19242 of 2024

Maithili

...Petitioner/Accused

Vs.

State of Tamil Nadu, Rep. by,
The Inspector of Police,
Mungilthuraipattu Police Station,
Kallakurichi District.
(Crime No.128 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of the Cr.P.C., praying to enlarge the petitioner on bail in Crime No.128 of 2023 on the file of respondent police.

For Petitioner : Mr.S.Nedunchezhiyan

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.11.2023 for the offences under Sections 420 and 380 of the IPC in Crime No.128 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had stolen about 21 ½ sovereigns of Gold and Rs.59,000/- (Rupees Fifty Nine Thousand Only) from the defacto complainant's house. Hence, the case.

3. Learned counsel for the petitioner/accused submitted that the petitioner has not committed any offence as alleged by the prosecution, and she has been falsely implicated in this case. He further submitted that the petitioner has been in custody since 10.11.2023; that she is a law-abiding citizen; that she is ready to furnish substantial sureties for her due release on bail; and therefore, he prays for the grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) for the respondent opposed granting bail to the petitioner by stating that the petitioner has committed theft of gold jewellery worth 21 ½ of sovereigns and a cash of Rs.59,000/-. He further submitted that the petitioner has been in custody since 23.11.2023, that the trial is in progress; and that some of the witnesses have already been examined.

5.Heard both sides and perused the materials available on record.

6. Considering the submissions made on both sides, the nature of offence, that the trial process is going on, and also taking into consideration the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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, each for a like sum to the satisfaction of the learned ***Judicial Magistrate, Sankarapuram***, and on further conditions



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that:
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- [a] the petitioner shall report before the trial Court every Monday at 10.30 a.m., until further orders;**
- [b] the petitioner shall not abscond either during investigation or trial;
- [c] the petitioner shall not tamper with evidence or witness either during investigation or trial;
- [d] 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];
- [e] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of the BNS.

20.08.2024

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To

- 1.The Judicial Magistrate
Sankarapuram.
- 2.The Superintendent of Prison,
Central Prison for Women,
Trichirapalli.
- 3.The Inspector of Police,
Mungilthuraipattu Police Station,
Kallakurichi District.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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