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CRL O.P. No.21513 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21513 of 2024

Kalyani

... Petitioner / Accused - 2

Vs

State rep. by
The Inspector of Police,
Uthukkottai Police Station,
Thiruvallur District.

(Crime No.407 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.407 of 2024, on the file of the respondent.

For Petitioner : Mr.M.Rajinikanth

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



CRL O.P. No.21513 of 2024

ORDER

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The petitioner, who was arrested and remanded to judicial custody on 17.07.2024 for the offences punishable under Section 303(2) of BNS, 2023, in Crime No.407 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 17.07.2024 at about 8.00 a.m., when the defacto complainant was travelling in Uthukkottain – Thiruvallur bus, the petitioner along with the other accused, who were also travelling in the same bus, committed theft of 7 ½ sovereigns of gold jewels from the defacto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody for the past 43 days and the property was also recovered from the petitioner. He would also submit that the petitioner has no previous case and co-accused in this case was already released on bail by the lower Court and the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner along with the other accused were found in committing theft of 7 ½ sovereigns of gold jewels from the defacto complainant while she was travelling in a bus. He would further submit that the property has been recovered from the accused and there are no previous cases against the petitioner. He would also submit that co-accused in this case was also granted bail by the Court below. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering that there is no previous case against the petitioner and that the property was already recovered and also taking into consideration the number of days of incarceration undergone by the petitioner and all other aspects, 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



CRL O.P. No.21513 of 2024

Thousand only) with two sureties each for a like sum to the satisfaction of the **District Munsif cum Judicial Magistrate, Uthukkottai**, and on further conditions that;

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond 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 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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

04.09.2024

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CRL O.P. No.21513 of 2024

To
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- 1.The District Musif cum Judicial Magistrate, Uthukkottai.
- 2.The Inspector of Police,
Uthukkottai Police Station,
Thiruvallur District.
- 3.Special Prison for Women, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.21513 of 2024

P.DHANABAL,J.
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CRL.OP.No.21513 of 2024

04.09.2024