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CRL O.P. No.21610 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.21610 of 2024

Jayanthi

... Petitioner / Accused

Vs

State rep. by
The Sub Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

(Crime No.231 of 2023)

... 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.231 of 2023, on the file of the respondent.

For Petitioner : Mr.M.Murugan

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



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ORDER

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The petitioner, who was arrested and remanded to judicial custody on 26.10.2023 for the offences punishable under Section 380 of IPC, in Crime No.231 of 2023, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 14.10.2023 at about 9.45 a.m., when the defacto complainant went to work, after closing the door and kept the key near the door, at that time, the petitioner trespassed into the defacto complainant's house and broke open the bureau and stolen 1 $\frac{3}{4}$ sovereigns of gold jewels and 2 gram gold ring. 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 10 months and the petitioner is not a named accused in this case. He would also submit that 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 trespassed into the house of the defacto complainant, broke open the bureau and stolen two sovereigns of gold jewels and 2 gram gold ring. He would further submit that there are 13 previous cases against the petitioner and only two gram gold ring was recovered from the accused. He would also submit that investigation has been completed and the petitioner was already detained under Tamil Nadu Act 14 of 1982 and thereafter, the said detention order was revoked by this Court. He would further submit that the case is now posted for examination of witnesses. Hence, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the representation made by both side learned counsels and considering that already proceedings were initiated to detain the petitioner under Tamil Nadu Act 14 of 1982 and thereafter, the same was revoked by this Court and that the petitioner is not a named



accused in FIR and also considering the period of incarceration undergone by the petitioner and that the case is now posted for examination of witnesses and some of the witnesses were examined, 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 sureties each for a like sum to the satisfaction of the **V Metropolitan Magistrate, Egmore Chennai**, and on further conditions that;

[b] the Petitioner shall report before the Trial Court on every working day at 10.30 a.m., until further orders.

[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



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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

ata

To

- 1.The V Metropolitan Magistrate, Egmore, Chennai.
- 2.The Sub Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.
- 3.Special Prison for Women, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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