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Crl.O.P.No.22525 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.22525 of 2024

1.Amudha

2.Nandhini

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
(Crime No. 173 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioners on bail, in Crime No. 173 of 2024 on the
file of the respondent Police.

For Petitioners : Mr.Deepan Uday

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

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 29.07.2024, for the alleged offence punishable under Section 379



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of IPC, in Crime No.173 of 2024, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 11.05.2024, while the defacto complainant was travelling in a bus with her son and daughter, at that time, the petitioners along with other accused person have committed theft of 5 sovereigns of gold chain from the defacto complainant and committed the alleged offence. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. They have not committed any offence as alleged in the FIR. He further submitted that the petitioners were arrested and they are in judicial custody for more than 45 days and they are ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, while the defacto complainant was travelling in a bus with her son and daughter, at



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that time, the petitioner along with other accused persons, have committed theft of 5 sovereigns of gold chain from the defacto complainant. He further submits that the property was recovered from the petitioners. He further submits that the second petitioner was detained under Goondas, under Section 2(f) of the Tamil Nadu Act 14 of 1982. He further submits that the first petitioner has six previous cases, pending against her. However, he opposed to grant bail to the petitioners.

5. Heard both sides and perused the materials available on record including the First Information Report.

6. Considering the submissions made by the learned counsel on either side, nature of offence and considering that the second petitioner/Nandhini was already detained as a Goonda, the bail petition is dismissed as against the second petitioner. As far as the first petitioner is concerned, though the petitioner has six previous cases, in all the cases, she has been released on bail, the property was also recovered, and considering the period of incarceration undergone by the first petitioner, and also



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considering all others factors, I am inclined to grant bail to the first petitioner, subject to certain conditions.

7. Accordingly, the first petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, for a like sum to the satisfaction of the Judicial Magistrate No.1, Krishnagiri, and on further conditions that:-

[a] the first petitioner shall report before the respondent police, daily at 10.30 a.m., until further orders.

[b] the first 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;

[c] the first 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;

[d] the Petitioners shall not abscond either during investigation or trial;



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[e] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the first Petitioner in accordance with law as if the conditions have been imposed and the first 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

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

18.09.2024

drl

To

- 1.The Judicial Magistrate No.1
Krishnagiri.
- 2.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
- 3.The Superintendent,
Special Prison for Women, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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