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CrI.O.P.No.26125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

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

CrI.O.P.No.26125 of 2024

Ramani

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No. 438 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleased to enlarge the petitioner on bail, in Crime No.438 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 26.08.2024, for the alleged offence punishable under Sections 331(3) and



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305(a) of BNS, in Crime No.438 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 24.08.2024, the petitioner broke open the de facto complainant's house and committed theft of Rs.1,25,000/- cash and 3 ½ sovereigns of gold ornaments. Hence the complaint.

3. Learned counsel appearing for the petitioner submitted that this is the second bail petition filed by the petitioner. He further submits that the petitioner is an innocent person and she has been falsely implicated in this case, since she has got some previous cases. She has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody for more than 55 days and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that on the date of the alleged occurrence, the



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petitioner broke open the de facto complainant's house and committed theft of Rs.1,25,000/- cash and 3 ½ sovereigns of gold ornaments. He further submitted that the entire property was recovered from the petitioner. He further submits that the investigation was completed and the charge sheet was also filed. He also submitted that 15 previous cases, similar in nature, are pending against this petitioner. Hence, he opposed to grant bail to the petitioner.

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

6. Considering the nature of offence, property was recovered, considering the period of incarceration undergone by the petitioner from 26.08.2024, and though the petitioner has 15 previous cases, in some of the cases ended in acquittal and in all other cases, she has been released on bail, investigation was completed and the charge sheet was also filed and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.



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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 No.II, Salem and on further conditions that:-

[a] the petitioner shall report before the Mallur Police Station, Salem District daily at 10.30 a.m., until further orders.

[b] 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;

[c] 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;

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

[e] 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



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

22.10.2024

drl

To

- 1.The Judicial Magistrate No.II,
Salem.
- 2.The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
- 3.The Superintendent,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

drl

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