



CRL OP(MD). No.1344 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 31/01/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.1344 of 2024

Abisha

... Petitioner/ Accused No.3

Vs

The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
In Crime No.499 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.A.Balakrishnan,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.499 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who was arrested and remanded to judicial custody on 30.12.2023 for the offences punishable under Sections 381 of IPC in Crime No.499 of 2023, on the file of the respondent Police, seeks bail.



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2. The case of the prosecution is that the petitioner and other accused persons are the employees of the defacto complainant's jewellery shop and they were committed theft of 432 grams of gold and 6 kgs of silver totally worth about Rs.29,10,000/-. The theft was revealed when the defacto complainant verified the CCTV footage. Hence, the present complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. Further he would submit that the entire gold and silver ornaments were recovered from the accused persons and the petitioner is in judicial custody from 30.12.2023 days. Hence, he prays for grant bail to the petitioner.

4. Mr.M.Devaraj, Special Sub-Inspector of Police attached with the respondent Police Station appeared before this Court and stated that the entire stolen articles i.e., 432 grams of gold and 6 kgs of silver, were recovered from the accused persons.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner committed the heinous offence that she stolen the gold and silver articles in the jewellery shop, where she was employed. Hence, he strongly opposed to grant bail to the petitioner.

6. Heard. Perused the materials available on record including the First Information Report.



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7. Considering the facts and circumstances of the case and also considering the fact that the stolen articles were recovered, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail on his 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.I, Kuzhithurai, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner is directed to appear before the All Women Police Station, Marthandam, for a period of two weeks and thereafter as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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



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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;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/01/2024

/ TRUE COPY /

31/01/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE,
WOMEN JAIL, THUCKLAY.
- 5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MARTHANDAM.



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6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.BALAKRISHNAN, Advocate (SR-1206[I] dated 31/01/2024)

ORDER
IN
CRL OP(MD) No.1344 of 2024
Date :31/01/2024

SS/SAR- /31/01/2024/5P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023