



CRL OP(MD). No.6841 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/05/2024

PRESENT

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

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Kaleeswari,
W/o Saravanan,
Muthukaruppanapillai Lane,
Mahalipatti, Madurai.

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No. 164 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.N.Madhava Govindan
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 164 of 2024 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner, who was arrested on 13.04.2024, in connection with a case in Crime No.164 of 2024, on the file of the respondent police, for the offences punishable under Sections 381 of IPC altered to Sections 381 and 414 of IPC, has filed this petition seeking bail.

2. The case of the prosecution is that on 09.04.2024 at about 8.10 a.m, the first accused, who is the Branch Manager of KGF Finance, stolen the collection amount of Rs.7,56,165/- and handed over the same to the petitioner/the second accused.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. However, she is languishing in jail from 13.04.2024. He further submits that based on the confession statement of the first accused, the petitioner has been implicated in this case. Since the petitioner has arranged for her daughter's marriage, the learned counsel prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent



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Police strongly opposes for grant of bail to the petitioner that a portion of the amount has been recovered from this petitioner and the investigation is still under progress.

5. Heard both sides.

6. This Court, while granting bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused (petitioner) tampering with the witnesses and obstructing the course of justice.

7. It is also settled law that at the time of consideration of bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioner) has committed the alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioner) is not guilty of the offences she is charged with.

8. The Court has to strike a balance between the rights of the accused (petitioner) to her liberty and the interest of the society. Liberty of an accused (petitioner) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.



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9. After taking into consideration the aforementioned factors, this Court is inclined to grant bail to the petitioner subject to fulfilment of the following conditions by her.

- i. The petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruppuvanam.
- ii. The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- iii. The petitioner shall report before the respondent police as and when required, for interrogation;
- iv. The petitioner shall not tamper with evidence or witness either during investigation or trial;



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v. The petitioner shall not abscond either during investigation or trial;

vi. 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 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 ;

vii. If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10. Accordingly, this Criminal Original Petition stands ordered.

sd/-
08/05/2024

/ TRUE COPY /

08/05/2024
Sub-Assistant Registrar (LIASONING)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vrn



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TO

WILMINGTON

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
THIRUPPUVANAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3.THE OFFICER IN CHARGE, DISTRICT PRISON, MADURRAI.

4.THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.N.MADHAVA GOVINDAN, Advocate (SR-5303[I] dated
08/05/2024)

ORDER

IN

CRL OP(MD) No.6841 of 2024

Date :08/05/2024

RK (08/05/2024) 6P / 7C

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