



CRL OP(MD).No.6891 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
CRL OP(MD).No.6891 of 2024

1. Anjali
2. Bavani

... Petitioners / Accused

Versus

The Inspector of Police,
Kadayam Police Station,
Tenkasi.
(Crime No.84 of 2024)

... Respondent / Complainant

For Petitioners : Mr.Meiyappan Mohan, 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.84 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 12.04.2024 for the offences punishable under Section 379 IPC in Crime No.84 of 2024 on the file of the respondent police, seek bail.

2. The case of the prosecution is that when the defacto complainant was



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travelling in a bus, on 12.04.2024 at 12.00 p.m., the petitioners were alleged to have taken away the purse of the defacto complainant.

3. The learned counsel for the petitioners submits that the petitioners are tribal women and they have not committed any offence as alleged by the prosecution. However, they have been falsely implicated in this case and they are languishing in jail from 12.04.2024. Hence, he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor opposes for grant of bail on the ground that the petitioners are having one previous case of similar in nature.

5. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor.

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 (petitioners) 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 (petitioners) have committed the alleged offences. What is to be seen is whether there is a reasonable ground for



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believing that accused (petitioners) are not guilty of the offence they are charged with.

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

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

- i. The petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Tenkasi.
- ii. The petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when



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required.

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- iv. The petitioners shall not tamper with evidence or witness either during investigation or trial;
- v. The petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.
10. Accordingly, this Criminal Original Petition stands ordered.

sd/-
08/05/2024

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

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To
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1.The Judicial Magistrate,
Tenkasi.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Kadayam Police Station,
Tenkasi.

4.The Officer Incharge,
Women's Prison,
Kokkirakulam.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.MEYAPPAN MOHAN, Advocate (SR-5324[I] dated 08/05/2024)

ORDER
IN
CRL OP(MD) No.6891 of 2024
Date :08/05/2024

ED/ /SAR- (08/05/2024) 5P / 7C

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