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Crl OP No.4739 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4739 of 2025

Selvi

... Petitioner

Versus

The State rep by
The Inspector of Police,
Choolaimedu Police Station,
Chennai District.
(Cr.No.71 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioner on bail in the event of her arrest in Cr.No.71 of 2025 pending on the file of the respondent police.

For petitioner : Mr.C.R.Gokulvisvas

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 306 of BNS in Crime No.71 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that the petitioner is working as a house maid in the house of the defacto complainant; that the complaint was lodged by the defacto complainant stating that out of 24 sovereigns of gold jewels kept in her bed room, 10 sovereigns of gold were missing from the bed room.

3. The learned counsel for the petitioner submitted that the petitioner is nothing to do with the alleged offences and sought to be implicated only on the suspicion that she had cooperated with the enquiry and in any case, the custodial interrogation is not required in this case and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that that there are two other similar cases against the petitioner registered for the offence under Section 306 of BNS in Cr.No.393 of 2024 on the file of Amanjikarai Police Station, Chennai and the other case registered under Section 381 of IPC in Cr.No.526 of 2021 in Nungambakkam Police Station and in that cases the petitioner was arrested and released on bail.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and also perused the



materials available on record.

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6. The reading of FIR would show that there is no specific allegation against the petitioner and she sought to be implicated only on suspicion.

7. Considering the above fact and that the petitioner had appeared before the respondent police; and since custodial interrogation of the petitioner is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy is made ready, before the ***XVII Metropolitan Magistrate Court, Saidapet, Chennai*** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:



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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

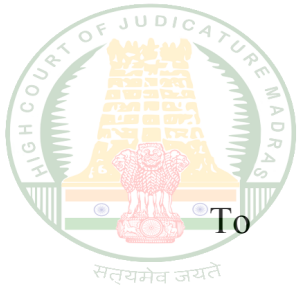
[d] the petitioner shall not abscond either during investigation or trial.

[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 law as if the conditions have been imposed and the Petitioner is 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]**;

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

27.02.2025

Vv



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1. The XVII Metropolitan Magistrate Court,
Saidapet, Chennai
2. The Inspector of Police,
Choolaimedu Police Station,
Chennai District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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