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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22754 of 2024

Seenithai, ... Petitioner/Accused No.10

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Rajapalayam South Police Station.
(Crime No.229 of 2024) ... Respondent / Complainant

For Petitioner : Mr.K.Kumaran,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS,2023.

PRAYER :- For Bail in Crime No.229 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner / Accused No.10, who was arrested and remanded to judicial custody on 31.05.2024 for the alleged offences under Sections 457 and 380 of IPC @

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120(b), 457, 458, 395 and 414 of IPC, in Crime No.229 of 2024, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons were involved in the offence of theft and they are said to have stolen gold jewelry. There are totally 12 accused persons in this case and the petitioner has been arrayed as A10 and she is the mother of A1.

3. The learned counsel for the petitioner submitted that a false case has been foisted against the petitioner and that there was absolutely no recovery from the petitioner and the petitioner has been added as an accused since she is the mother of A1. The learned counsel further submitted that the petitioner is in custody from 19.06.2024 for more than 204 days.

4. The learned Additional Public Prosecutor (Criminal Side), on instructions, submitted that A1 is the son, A7 is the wife of A1, A10 is the mother of A1 and A12 is the sister of A1. It was further submitted that the accused persons are involved in robbery and theft as a family. It was also submitted that there are 11 previous cases against the petitioner. The learned Additional Public Prosecutor further submitted that the investigation has been completed and the case is now pending in C.C.No.264 of 2024 before the learned Judicial Magistrate, Rajapalayam. The learned Additional Public Prosecutor vehemently opposed the grant of bail to the petitioner since the

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petitioner is a habitual offender and involved in similar cases.

5. This Court has carefully considered the submissions made on either side and perused the materials placed on record.

6. Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner is a lady and has suffered incarceration from 19.06.2024 and taking note of the fact that the investigation has already been completed in this case and the case is pending before the Trial Court, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 Principal District and Sessions Judge, Virudhunagar at Srivilliputtur, 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 shall report before the learned Judicial Magistrate, Rajapalayam daily at 10.30 a.m. until further orders including the dates of hearing.

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

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[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 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 of BNS, 2023.

sd/-
08/01/2025

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08/01/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL
TO
1 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
VIRUDHUNAGAR.

2 THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4 THE OFFICER INCHARGE,
SPECIAL WOMEN PRISON,
MADURAI.

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5 THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
RAJAPALAYAM.

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

ORDER
IN
CRL OP(MD) No.22754 of 2024
Date :08/01/2025

SA/SAR. /08.01.2025/5P/7C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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