



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1256 of 2018

1 V.K.SULOCHANA

2 V.K.SATHISHKUMAR

... PETITIONERS/ACCUSED 1&2

Vs

THE STATE OF TAMILNADU THROUGH ITS
THE INSPECTOR OF POLICE LAW AND ORDER,
B5, SOUTH GATE POLICE STATION,
MADURAI CITY.
MADURAI DISTRICT.
IN CRIME NO.30/2018

... RESPONDENTS

For Petitioner : M/S.R.PARTHIBAN, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

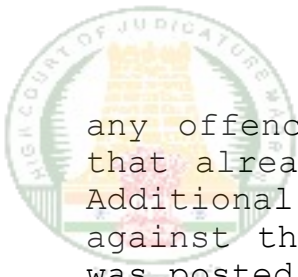
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 & 2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 420, 406, 294(b) and 506(i) of IPC, in Crime No.30 of 2018, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had borrowed money from the husband of the 1st petitioner for which he had pledged certain jewels. After the death of the husband the 1st petitioner the defacto complainant had paid the entire sum of money to the 1st petitioner and demanded to return the jewels, she did not do so. Hence the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and did not commit



any offence as alleged by the prosecution. He further submitted that already a suit in O.S.No.172 of 2001, on the file of the III Additional Subordinate Judge, Madurai, for recovery of money, against the defacto complainant was filed and decreed and the same was posted to execute the decree in E.P.No.74 of 2009.

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4.The learned Government Advocate (Criminal Side) would submit that after death of the husband of the 1st petitioner, when the defacto complainant approached the 1st petitioner for redemption of jewels, she refused to do so.

5.The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence, the defacto complainant pledged the jewels to the first petitioner for availing loan. Thereafter, he had been lodged with this complaint after issuing the notice by the petitioners for not repaying the loan. According to the submission made by the counsel appearing for the petitioner, the transaction between the first petitioner and the defacto complainant was settled in the judgment passed in O.S.No.172/2001 by the III Additional Subordinate Judge, Madurai.

6.Taking all the above said aspect into consideration, this Court comes to the conclusion that in these circumstances, custodial interrogation of the petitioners is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Madurai, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent police, daily at 10.00 a.m. for a period of three weeks and thereafter as and when required for interrogation;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand cancelled and automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in



accordance with law as if the conditions have been imposed and the petitioners 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]**.

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sd/-
29/01/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE,
LAW AND ORDER, B5, SOUTH GATE POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1256 of 2018
Date :29/01/2018

PK/CM-VR/SAR-4/06.02.2018 : 3P/5C