



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

Thursday, the Eleventh day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.190 of 2018

1 SALEEM
2 SHABINA
3 RAMIJAKANI
4 SENTHILMURUGAN

... PETITIONERS / ACCUSED 1 to 4

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO. 210/2017)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.D.RAMESH KUMAR Advocate

For Respondent : Mrs.S.BHARATHI, Govt. Advocate (Crl. Side)

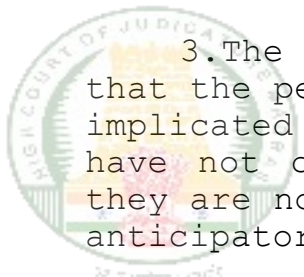
For Intervenor : Mr.RAVI, Advocate for Mr.D.R.MURUGESAN Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 448, 294(b), 323, 324, 506(ii) and 379 (NP)IPC in Crime No.210 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 2 and 3 are the son and daughter of the de facto complainant. The first petitioner is the wife of his brother and the fourth petitioner is the son-in-law of the de facto complainant. Since, the de facto complainant by way of selling some properties, was having some cash in his hand and the petitioners 2 and 3 have demanded their share. Thereafter, on 22.08.2017, they trespassed into the house of the de facto complainant and scolded him in filthy language and assaulted him. Thereafter took away Rs.9,25,000/- and 244 sovereigns of gold from Almirah and also took away two cars, namely, swift desire and Mahindra. Aggrieved by the said illegal activities of the petitioners 2 and 3, the de facto complainant lodged a complaint before the law enforcing agency. Hence, the case has been registered for the above said offences.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the stolen properties were not recovered and the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. It is alleged that at the time of occurrence, a sum of Rs.9,25,000/-, 244 sovereigns of gold, two cars, were taken away. According to the prosecution, so far those properties were not recovered. Further more, earlier petitions filed by these petitioners were dismissed for the reasons that properties were not recovered. With reference to the Section 379 IPC, properties which were stolen away during the time of occurrence, must be recovered. But in this case, the said stage is not completed. Therefore, granting anticipatory bail may cause prejudice in the process of investigation.

7.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is not inclined to grant anticipatory bail to the petitioners at this stage. Accordingly, this Criminal Original petition is dismissed.

sd/-
11/01/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE
PERAVURANI POLICE STATION,
THANJAVUR DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.S.RAVI, Advocate SR.No.677

JAM/22/01/2018/CM-VR/ SAR 1/ 2P-4C

ORDER
IN
CRL OP(MD) No.190 of 2018
Date :11/01/2018