



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.253 of 2018

SUDHA

... PETITIONER/ACCUSED

RANK NOT KNOWN

Vs

THE STATE, REP.BY
THE SUB INSPECTOR OF POLICE
JEYAMANGALAM POLICE STATION,
THENI DISTRICT.
(CRIME NO. 316 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SUNDAR Advocate

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

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

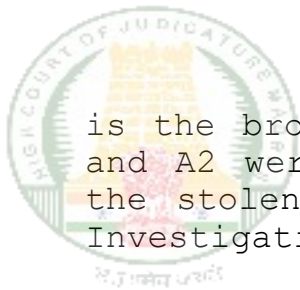
ORDER : The Court Made the following order :-

The petitioner/Rank not known, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 454 and 380 I.P.C., of Jeyamangalam Police Station, in Crime No.316 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that, when the defacto complainant is not in her house, the accused persons stolen the gold jewels, which were kept locked up in her bureau. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioner submitted that the respondent police had recovered all the stolen gold ornaments from the accused persons. A1 and A2 who were relatives to the petitioner herein. The respondent wantonly included the petitioner's name, thereby, harassing the petitioner. He further submitted that the petitioner is an innocent person, she did not commit any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Additional Public Prosecutor submitted that there are totally three accused in this case. A1 and A2 are relatives. A1



is the brother and A2 is the husband of the petitioner herein. A1 and A2 were already arrested and remanded to Judicial Custody and the stolen articles have been recovered by the respondent police. Investigation is not completed.

5. Considering the submissions made on either side, it discloses that the offences under Sections 454 and 380 I.P.C., in Crime No.316 of 2017, has been registered against the petitioner. According to the prosecution, there are totally three accused in this case, the petitioner herein is arrayed as A3 and other two accused viz., A1 and A2 were arrested and remanded to Judicial Custody. The stolen property was recovered by the respondent police. So, custodial interrogation is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, she 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner 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 petitioner shall report before the respondent Police daily at 10.00 a.m. for a period of one month and thereafter, as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

sd/-

08/01/2018

/ TRUE COPY /

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



msa/dss

TO

1 THE JUDICIAL MAGISTRATE, THENI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT

3 THE SUB INSPECTOR OF POLICE
JEYAMANGALAM POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.R.SUNDAR Advocate SR.No.301

GJM/VC/SAR-2-11.1.18-3P-6C

ORDER

IN

CRL OP (MD) No.253 of 2018

Date :08/01/2018