



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

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7637 of 2018

1 MAHESHWARI
2 PAULKANI
3 SIVAN
4 JEYAKUMAR
5 RUBA
6 CHELLADURAI NADAR
7 AZHAGU GANAPATHI
8 GOWRI

... PETITIONERS/ ACCUSED NO.1 TO 8

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
VALLIYOOR, TIRUNELVELI DISTRICT.
CRIME NO.76/2018

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.PALANI VELAYUTHAM Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners/ A1 to A8, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 342, 448, 379 and 498 IPC in Crime No.76 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to family dispute, the petitioners are said to have trespassed into the house of the defacto complainant and stolen away the household articles. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel for the petitioners submitted that the 1st petitioner is the wife of the complainant and the other petitioners are her relatives and they are innocent persons and they have not committed any offence as alleged by the prosecution and the articles said to have been stolen belonged only to the first petitioner and a false case has been filed against them.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl. side) appearing for the respondent Police would submit that the stolen property is not yet



recovered and the investigation is still pending and that this case has been filed on the directions of the Judicial Magistrate.

5. Considering the facts and circumstances of the case and on considering the relationship between the parties, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Valliyoor, Thirunelveli District, on condition that the each of the petitioners shall execute 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 respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police daily at 10.30 a.m., until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, 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).

sd/-
09/05/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR,
TIRUENVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUENVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
VALLIYOOR POLICE STATION,
VALLIYOOR, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.8291

ORDER IN
CRL OP(MD) No.7637 of 2018
Date : 09/05/2018