



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

Thursday, the Twentieth day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.15201 of 2018

K. KAYALVIZHI ... PETITIONER / SOLE ACCUSED

Vs

STATE,
REP. BY THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI.
(CR.NO. NOT KNOWN OF 2018) ... RESPONDENT/ COMPLAINANT

For Petitioner : MR.R.SEVUGARAJA Advocate

For Respondent : MR.V.NEELAKANDAN
ADDITIONAL PUBLIC PROSECUTOR

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

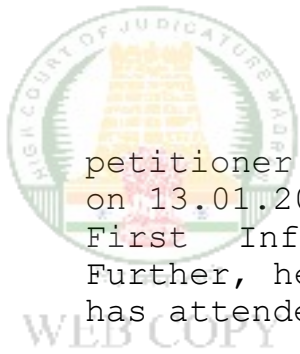
ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Section 379 I.P.C in Crime No.Not Known of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 13.01.2018 she went to her sister's house. When the defacto complainant returned her house on 25.01.2018, she found that her house was broken and 77 sovereigns of gold jewels was stolen by the petitioner herein. Hence the complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4.The learned counsel appearing for the petitioner would submit that the defacto complainant is none other than her tenant. When the petitioner insisted her to vacate the premises, she refused. Therefore, the false complaint has been foisted against the



petitioner herein. In fact, the said alleged occurrence took place on 13.01.2018, the complaint has been lodged on 26.01.2018. But the First Information Report has been registered on 18.09.2018. Further, he submitted that the petitioner for more than 10 occasions has attended the enquiry conducted by the respondent.

5.It is seen from the First Information Report that the occurrence took place on 13.01.2018. The case has been registered on 18.09.2018. Though the complainant specifically mentioned the name of the petitioner, the respondent police did not register the First Information Report and did not take any action on her complaint. Admittedly, the defacto complainant is the tenant under the petitioner.

6.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.II, Madurai, and 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 Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
20/09/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE NO II, MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI
- 3 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI.



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

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MSI/PN/SAR-II/27.09.2018-2P/5C

ORDER

IN

CRL OP (MD) No.15201 of 2018

Date :20/09/2018