



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 14/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7733 of 2019

Pandiselvi

... Petitioner/Accused

Vs

The State Rep by
The Inspector of Police,
Thallakulam Police Station, Madurai.
Crime No.337 of 2019.

...Complainant/Respondent

G.Kannan

... Petitioner/Intervener

For Petitioner : M/s.D.Balamurugapandi,
Advocate.

For Respondent : Mrs.M.Ananthadevi,
Govt.Advocate (Crl.Side).

For Intervener : Mr.M.Ramesh, Advocate

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

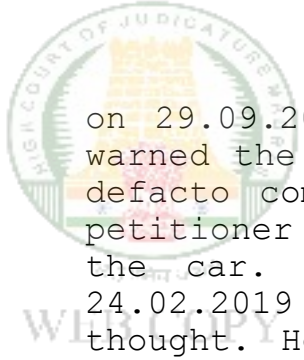
PRAYER :-

For anticipatory bail in cr.no.337 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 381 I.P.C, in Crime No.337 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner was working in the training school for driving, which is running by the defacto complainant. He has further submitted that the petitioner is a widow and hence, the defacto complainant misbehaved with her and with regard to the said act, the petitioner has lodged a complaint before the respondent police



on 29.09.2018 and the police also enquired the said complaint and warned the defacto complainant and closed the same. Thereafter, the defacto complainant has lodged a false complaint stating that the petitioner has committed a theft of Rs.21,500/- and also stepney of the car. He has further submitted that FIR was registered on 24.02.2019 and it would show that the complaint was lodged as after thought. Hence, she filed this petition for granting anticipatory bail.

3.Per contra, the learned counsel for the intervenor has submitted that no complaint was lodged by the petitioner on 29.09.2018 against the defacto complainant. He has further submitted that the petitioner has committed a theft of Rs.21,500/- and stepney of the car on 13.09.2018 and with regard to the same the defacto complainant made an enquiry and lodged a complaint on 22.09.2018 itself. He has further submitted that the police after conducting enquiry had registered the case on 24.02.2019, in Crime No.337 of 2019 for the offences punishable under Sections 381 I.P.C. He has also submitted that only for the purpose of anticipatory bail, the petitioner is making false claim that she has already lodged a complaint against the defacto complainant on 29.09.2018 and the same was closed after enquiry. He has further submitted that since the petitioner has not returned the amount, he strongly opposed this petition.

4.The learned Government Advocate (Criminal Side) appearing for the respondent has submitted that no such complaint has been lodged by the petitioner against the defacto complainant. She has further submitted that the defacto complainant has lodged a complaint on 22.09.2018 itself and only after due enquiry a case was registered on 24.02.2019 in Crime No.337 of 2019 against the petitioner for the offences punishable under Section 381 IPC. She has also submitted that since the investigation is still pending, custodial interrogation of the petitioner is absolutely necessary, therefore, she strongly opposed this petition.

5.Though the learned counsel for the petitioner has submitted that on 29.09.2018, the petitioner lodged a complaint against the defacto complainant and the same was closed after warning the defacto complainant, has not produced any material to substantiate the said plea. Further, the CD file would show that the defacto complainant had lodged a complaint on 22.09.2018 itself and only after conducting preliminary enquiry, the case was registered on 24.02.2019 in Crime No.337 of 2019 for the offence punishable under Section 381 I.P.C.

6.Taking into consideration of the aforesaid fact and also the submission of the learned Government Advocate (Criminal Side) that the custodial interrogation of the petitioner is absolutely necessary, this Court is not inclined to grant anticipatory bail to



7. Accordingly, this Criminal Original Petition is dismissed.

sd/-
14/06/2019

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

TO

1. The Inspector of Police,
Thallakulam Police Station, Madurai.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.BALAMURUGA PANDI, Advocate (SR-9730[I] dated
14/06/2019)

ORDER
IN
CRL OP(MD) No.7733 of 2019
Date : 14/06/2019

das
TK/JC/SAR.1/21.06.2019/3P/4C