



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

Wednesday, the Ninth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21521 of 2018

MAHARANI

... PETITIONER / ACCUSED NO.5

Vs

1 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
PAMARRU POLICE STATION, KUDIVADI TALUK,
KRISHNA DISTRICT, ANDHRA PRADESH.
(IN CRIME NO. 98 OF 2018)

2 THE STATE REP. BY
THE INSPECTOR OF POLICE,
VARUSANADU POLICE STATION,
THENI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.A.K.HEMARAJ Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

[Orders Reserved on 7.1.2019]

The petitioner / A6, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 380 and 457 of IPC., in Crime No.98 of 2018, on the file of the 1st respondent respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.03.2009, A1 to A3 of which A1 is the husband of this petitioner, belonging to State of Tamil Nadu, had committed house burglary, in the house of the defacto complainant, in the temporary absence of the inmates, stolen the gold ornaments, silver articles and cash and disposed of the same to the receivers A4 to A7 with the knowledge that it is stolen property. A1 and A3 are brothers; A6 is the son of A1 and this petitioner; A7 is the second wife of A1. On credible information, two accused were apprehended by the first respondent, then securing a Tamil speaking person to translate the interrogation, they were



questioned and they have also admitted about the commission of offence. A1 was earlier convicted in theft case, underwent imprisonment at Central Jail, Madurai, and had given a detailed description of how the offence had been committed by him along with the other accused, by breaking open the lock of the dwelling house of the main door and committing the theft of silver articles weighing about 25 Kgs, cash of Rs.80,000/- and gold ornaments, all worth about to Rs.15,00,000/-. Pursuance of the confession it reveals the complicity of this petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner has been roped in only on the confession of co-accused and that in this case all the properties have been recovered. He further submitted that investigation of the case is almost completed. The learned counsel, in support of his contentions, has relied on the decisions of this Court in **S.P.Shanthi Swaroop Vs. State of Tamil Nadu** reported in (1992 (Cri) 475); in **Sarvadhikari Vs. Sub-Inspector of Police** reported in (2013 (2) MWN (Cr1) 109); in **A.L.Ramachandra Vs. Commissioner** reported in (2014(3) MWN (Cr) 406). The learned counsel further relied on the decisions of Hon'ble Supreme Court in **Gurbaksh Singh Sibbia Vs. State of Punjab** reported in (1980 (2) SCC 565); in **Chandra Vs. CBI** reported in (2012 (1) SCC 40); in **Dataram Singh Vs. State of Uttar Pradesh** reported in (2018 (1) ACR 471). Further, the decision of Delhi High Court in **Pritamsingh Vs. State of Punjab** reported in (1980 CRI LJ 1174) and in **Pritamsingh Vs. State of Punjab** reported in (1981 CRI L.J.NOC 159). The decision of Calcutta High Court in **B.R.Sinha Vs. State** reported in (1982 Cri LJ 61). The decision of Karnataka High Court in **L.R.Naidu Vs. State** reported in (1984 Cri LJ 757).

4. Notice was sent to the first respondent, who had filed the counter along with the copy of the FIR; Extracts of Case Diary; Finger Print Report; Evidence Report and Remand Report.

5. The learned Government Advocate (crl.side) would submit that participation of this accused is substantial with both oral and documentary evidence and the offence is of grave in nature and they have been committing the offence habitually and opposes the anticipatory bail application. He would further submit that custodial interrogation of the petitioner is necessary. Further, there is no case pending with the 2nd respondent Police against the petitioner and the second respondent had not called the petitioner for any enquiry and there is no harassment made. Further, if the petitioner is having any grievance, it is for her to approach the Additional Judicial Class I Magistrate Court, Kuduveda, Andrapradesh.

6. I have heard the learned counsels appearing on either side and perused the materials available on record.

7. No doubt, this Court has jurisdiction to entertain the application and pass orders either way in deciding the Inter-State Anticipatory Bail application. Considering the gravity of the offence and specific allegations made against the petitioner, this Court is not inclined to grant the relief of anticipatory bail. The decisions relied on by the learned counsel for the petitioner is not applicable to the facts of the present case. Hence, this Criminal Original Petition stands dismissed. It is open to the petitioner to approach the concerned Court, and get the relief.

sd/-

09/01/2019

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

TO

- 1 THE INSPECTOR OF POLICE,
PAMARRU POLICE STATION, KUDIVADI TK.,
KRISHNA DT., ANDHRA PRADESH,
- 2 THE STATE REP. BY
THE INSPECTOR OF POLICE,
VARUSANADU POLICE STATION, THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.K.HEMARAJ Advocate SR.No.511

PS/PN/SAR-2/18.01.2019/3P/5C

ORDER

IN

CRL OP(MD) No.21521 of 2018

Date :09/01/2019