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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10723 of 2019

1. Pradeeba
2. B.Santhi
3. B.Baladharshini

... Petitioners/Accused

Vs

State rep.by,
The Inspector of Police,
Alangudi Police Station,
Pudukkottai District
(Cr.No.123/2019).

... Respondent/Complainant

For Petitioner : M/s.E.Sathish Rajkumar,
Advocate.

For Respondent : M/s.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No.128/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(i) and 379 IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocents and they did not commit any offence as alleged by the prosecution.



4. The learned Government Advocate (Crl.side) appearing for the respondent police has submitted that A2 has snatched gold chain weighing 7 sovereigns, from the neck of the defacto complainant. Insofar as others are concerned, they have assaulted the defacto complainant with hands and caused simple injuries and even in the FIR it is stated that she did not went to hospital immediately.

5. Taking into consideration of the aforesaid facts and also considering the fact that the main allegation is only against A2, this Court is inclined to grant anticipatory bail to first and third petitioners with certain conditions.

[6] Accordingly, the first and third petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate Court, Alangudi, Pudukottai District on condition that the first and third 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the first and third petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the third petitioner is a pregnant lady. Hence, she shall appear before the respondent police as and when required for interrogation.

[d] the first and third petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the first and third petitioners shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first and third petitioners in accordance with law as if the conditions have been imposed and the first and third 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].

[9] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



7. Insofar as the second petitioner is concerned, this Court is not inclined to grant anticipatory bail. Accordingly, this Criminal Original Petition is dismissed as against the second petitioner.

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

TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ALANGUDI, PUDUKKOTTAI DISTRICT

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE
ALANGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT

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

+1. CC to M/S.S.PANDIYARAJ, Advocate SR.No.12575

ORDER
IN
CRL OP (MD) No.10723 of 2019
Date : 30/07/2019

GNS
PK/PN/SAR-4/06.08.2019 : 3P/6C