



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2020

PRESENT

The Hon'ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD).Nos.2022 and 2023 of 2020

SATHEESH @ SATHEESH KUMAR

... PETITIONER / 2nd ACCUSED
in CRL OP(MD)No.2022 of 2020

1.RUFUS JERALD

2.SUTHAN @ ARUL GEORGE

3.ALVIN MOHAN

... PETITIONERS/ACCUSED 1, 3 and 4
in CRL OP(MD)2023 of 2020

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
THUCKALAY, KANYAKUMARI DISTRICT.
CRIME NO.53 OF 2020

... RESPONDENT/ COMPLAINANT
IN BOTH PETITIONS

For Petitioners : Mr.K.Sivabalan, Advocate
for Mr.G.Aravinthan, Advocate
in both petitions.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)
in both petitions.

For Intervenor : Mr.Muthu Saravanan, Advocate
in both petitions.

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

COMMON PRAYER :- For Anticipatory Bail in Crime No.53 of 2020 on
the file of the respondent police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners, learned
counsel appearing for the intervenor and the learned Government
Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 448,
379 and 302 of I.P.C., in Crime No.53 of 2020 on the file of the



respondent police, seek anticipatory bail.

3. Pursuant to the order passed by this Court, some of the articles belonging to the complainant have been returned. The complainant alleges that her jewels were taken away from the house in question.

4. The petitioners strongly deny the said allegation.

5. However, in order to give a quietus to the criminal prosecution, the first petitioner in Crl.O.P.(MD)No.2023 of 2020 comes forward to hand over a demand draft for Rs.2,00,000/- favouring the victim.

6. The learned counsel represented the defacto complainant states that if the demand draft is paid, the defacto complainant will not have any objection for closing the Crime No.53 of 2020.

7. The petitioner's counsel states that the demand draft favouring the defacto complainant Devakumari will be handed over to Counsel Thiru.Muthu Saravanan, within a period of two weeks from today.

8. Upon receipt of such demand draft and confirmation of the same, the respondent shall without any delay file final report dropping further action in the matter. The jurisdictional Magistrate will also accept the final report and record RCS. It is made clear once again that a sum of Rs.2,00,000/- will be paid by the first petitioner in Crl.O.P.(MD)No.2023 of 2020 to obtain closure of the criminal case on hand (Crime No.53 of 2020). The defacto complainant shall not revive whatever cause of action that is the subject matter of Crime No.53 of 2020. The other rights, which the defacto complainant may have against the petitioners such as maintenance and other reliefs that she may get under DV Act, are left open. If the demand draft of Rs.2,00,000/- is not paid within this period, this order will stand automatically recalled and this petition will stand dismissed.

9. Since the erstwhile husband of the defacto complainant had already come forward to settle the issue, the apprehension of arrest is not warranted. Therefore, there is no need to specifically grant anticipatory bail to the petitioners herein.

sd/-

25/02/2020

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



TO

1. THE JUDICIAL MAGISTRATE NO.I,
PADMANABHAPURAM.
2. THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
THUCKALAY, KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) .Nos.2022 and
2023 of 2020
Date :25/02/2020

rmi
TK/VR/SAR.1/25.02.2020/3P/5C