



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2020

WEB COPY

PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4000 of 2020

Derlin @ Derlin Siyamali

... Petitioner/Accused No.2

Vs

The Inspector of Police,
District Crime Branch Police Station,
Tirunelveli District.
[Cr No.41 of 2019]

... Respondent/Complainant

For Petitioner : Mr.M.M.Manivel Pandian,
Advocate.

For Respondent : R.Anandharaj,
Additional Public Prosecutor.

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

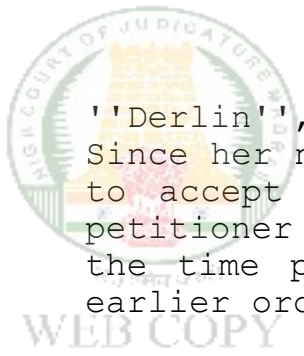
PRAYER :-

For Anticipatory bail in Crime No.41 of 2019 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 406, 420 and 506(i) of I.P.C., in Crime No. 41 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner, who is the second accused in Crime No.41 of 2019, on the file of the respondent police, was granted anticipatory bail by this Court on 27.01.2020 in CrI.O.P.(MD)No.18665 of 2019. However, in the anticipatory bail petition as well as in the anticipatory bail order, the petitioner's name was shown as



'Derlin'', whereas her full name is Derlin @ Derlin Siyamali. Since her name has not been fully described, the Trial Court refused to accept the sureties furnished by the petitioner. Again, the petitioner has filed the present petition in view of the fact that the time prescribed to surrender and furnish the sureties in the earlier order dated 27.01.2020, has got expired.

3. The learned Additional Public Prosecutor appearing for the State would submit that in the F.I.R., the name of the petitioner, who is arrayed as second accused, is mentioned as 'Derlin Siyamali'. However, in the earlier anticipatory bail petition viz., Crl.O.P.(MD)No.18665 of 2019, her full name has not been mentioned in the cause title. Therefore, the Trial Court has rightly rejected the sureties presented by the petitioner/A2.

4. Considering the facts of the case and the description of the petitioner/A2 in the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on her appearance on or before 17.03.2020 before the learned Judicial Magistrate No.I, Tirunelveli District, on condition that the petitioner 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 learned Magistrate concerned and on further conditions that

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police for interrogation, as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

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



[f] If the petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

6. The petitioner shall appear before the concerned Magistrate on or before 17.03.2020, failing which, anticipatory bail shall stand cancelled.

sd/-
03/03/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE No.I, TIRUNELVELI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.M.MANIVEL PANDIAN Advocate SR.No. 4701

ORDER
IN
CRL OP(MD) No.4000 of 2020
Date :03/03/2020

SMN2
TE/JC/SAR-IV : 05/03/2020 : 3P/6C