



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2020

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4117 of 2020

1 Y.Dhaniel
2 T.Helan Pappa

... Petitioners/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Sathankulam Police Station,
Tuticorin District.
Crime No.Not Known of 2020

... Respondent/Complainant

For Petitioners: Mr.K.M.Arun Prasath,
Advocate.

For Respondent : Mr.S.Chandarasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.Not Known of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This petition for anticipatory bail apprehending arrest by the respondent police, based on the complaint given by one Esthar, regarding the missing of jewels from her house. The first petitioner is none other than the brother of the de-facto complainant. As per the complaint given by one Esthar, these petitioners stayed in her house between 25.01.2020 and 30.01.2020 for attending the festival. Thereafter, she found chain weighing 7 ¾ sovereigns and a necklace 3 ½ sovereigns and silver chain missing from her house. Suspecting the petitioners, she has given a complaint to the respondent police on 04.03.2020. The said complaint has been taken in CSR No.203 of 2020 and under investigation.

2.The learned Additional Public Prosecutor would submit that based on the complaint, the petitioners were summoned and enquiry



was conducted for further enquiry. The complainant/Esthar has not co-operated with the investigation.

3.This Court finds that the de-facto complainant and the first petitioner are brother and sister. The petitioners are co-operating with the enquiry, hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

4.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Sathankulam, Tuticorin District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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)the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the 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]***; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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



TO

1. THE JUDICIAL MAGISTRATE, SATHANKULAM,
TUTICORIN DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION, TUTICORIN DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.ABUL KALAM AZAD, Advocate (SR-4808[I] dated
05/03/2020)

ORDER

IN

CRL OP(MD) No.4117 of 2020

Date :05/03/2020

MS/PN/SAR-2/12.03.2020/3P.6C