



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7683 of 2020

MARIYAMMAL

... PETITIONER/ACCUSED NO.1

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT
CRIME NO. 69 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.A.Thiruvadi Kumar,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

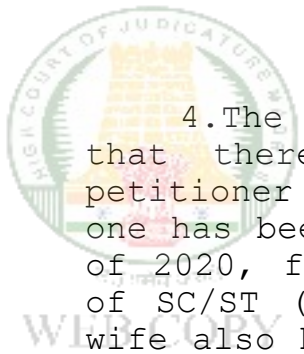
For Anticipatory Bail in Crime No.69 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 448 and 381 of IPC, in Crime No.69 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is working as a servant in the defacto complainant's house. In this case, the petitioner along with A2 were said to have stolen gold chain, ring and cash of Rs.38,000/- from the defacto complainant's house. Hence, the crime has been registered against the petitioner and another.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.



4.The learned counsel appearing for the petitioner submitted that there are two crimes have been registered against the petitioner and one is the case in Crime No.69 of 2020 and the other one has been given by the defacto complainant's wife in Crime No.85 of 2020, for the offence under Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 2015. That apart the defacto complainant's wife also brutally assaulted the petitioner, which was videographed by her neighbours and the same was telecast in the social media. Based on the complaint given by the petitioner, a departmental action has been taken against the defacto complainant's wife and she was transferred. He further submitted that A2 already granted anticipatory bail by this Court in Crl.O.P.(MD).No.6190 of 2020, dated 17.06.2020. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner is working as servant in the defacto complainant's house. In this case, the petitioner along with A2 were said to have stolen gold chain, ring and cash of Rs.38,000/-. So far, the stolen properties are not yet recovered.

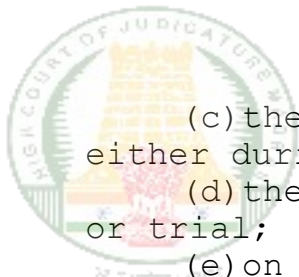
6.On perusal of the materials, it is seen that the defacto complainant's wife has given a complaint against the petitioner and the same was registered in Crime No.85 of 2020, for the offence under Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act, 2015. That apart, this complaint is concerned, the petitioner along with A2 were said to have stolen gold chain, ring and cash of Rs.38,000/-.

7.Considering the facts and circumstances of the case and the rival submission and also considering the fact that A2 has already been granted anticipatory bail by this Court and in this case A2 already got a direction from this Court to surrender before the concerned trial Court, further, A2 got interim order of not to arrest, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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)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 as <https://services.hcma.gov.in/services> and for interrogation.



(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 [(2005) AIR SCW 5560]; and;

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

sd/-
28/07/2020

/ TRUE COPY /

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7683 of 2020
Date :28/07/2020

vsg
JM/PN/SAR 2/30.07.2020/3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>