



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP (MD) No.7113 of 2020
in
Crl.O.P. (MD) No.9561 of 2020

A.Yasmin

... Petitioner/Intervener/
Defacto Complainant

Vs

1. State Rep. by its
The Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
(Crime No.14/2020).

... 1st Respondent/1st Respondent/
Complainant

2. Rabeek
3. Seik Dawook
4. Rashitha Begam
5. Mohamed Iqbal

... Respondents 2 to 5/Petitioners/
Accused Nos.1 to 4

For Petitioner : M/s.S.Sukumar,
Advocate.

For Respondents : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
for R1
: Mr.V.Kannan for R2 to R5

PRAYER :-

To cancel the Anticipatory Bail granted to the respondents 2 to 5 herein vide Crl.O.P.(MD).No.9561/2020 dated 16.10.2020 in Crime No.14/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

This petition has been filed to cancel the Anticipatory Bail granted to the respondents 2 to 5 herein vide Crl.O.P.(MD).No.9561 of 2020 dated 16.10.2020 in Crime No.14 of 2020 on the file of the respondent police.



2. Heard the learned counsel for the petitioner, the learned Government Advocate (criminal side) for the first respondent and the learned counsel for the respondents 2 to 5.

3. The learned counsel for the petitioner / defacto complainant would submit that while pending the anticipatory bail, the respondents 2 to 5 / A1 to A4 undertake to redeem the jewels and sought for adjournment, that was not complied by them. Thereafter, by order dated 16.10.2020, the respondents 2 to 5/ A1 to A4 were granted anticipatory bail, on condition that the second respondent/A1 alone shall appear before the respondent police at 10.30 a.m., for a period of four weeks.

4. On perusal of records while granting anticipatory bail to the respondents 2 to 5 (A1 to A4) herein, this Court imposed the following conditions:

"8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, 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 1st petitioner shall report before the respondent police daily at 10.30 a.m without fail for a period of four weeks and thereafter, 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC."



5. The learned Government Advocate (criminal side) would submit that accordingly the second respondent (A1) herein duly complied the condition as directed by this Court. In respect of other submission made by the learned counsel for the petitioner / defacto complainant, such conditions imposed by this Court, while granting anticipatory bail. However, there is a possibility for settlement between the petitioner / defacto complainant and the second respondent (A1) herein.

6. Therefore, this petition is devoid of merits and hence, dismissed.

7. However, the second respondent / A1 is directed to appear before the Mediation and Conciliation Centre, Sivagangai District on **06.01.2021**. The petitioner / defacto complainant is also directed to appear before the Mediation on **06.01.2021**.

8. On their appearance, the District Mediation and Conciliation Centre, Sivagangai District, is directed to explore the possibility of the petitioner / defacto complainant and the second respondent (A1) herein.

9. If the second respondent / A1 fails to appear before the District Mediation and Conciliation Centre, Sivagangai District, the petitioner / defacto complainant is at liberty to file a petition for cancellation of anticipatory bail to the second respondent (A1) herein.

sd/-
16/12/2020

/ 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, KARAIKUDI.

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



3. THE INSPECTOR OF POLICE,
KARAIKUDI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.

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

COPY TO:-

THE OFFICER IN-CHARGE,
DISTRICT MEDIATION AND CONCILIATION CENTRE,
SIVAGANGAI DISTRICT.

+1 CC to M/s.S.SUKUMAR, Advocate (SR-8358[I] dated 18/12/2020)

ORDER
IN
CRL MP(MD) No.7113 of 2020
IN
CRL OP(MD) No.9561 of 2020
Date :16/12/2020

LS
TE/JM/SAR-III : 29/12/2020 : 4P/7C