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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/11/2020

PRESENT

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

CRL OP(MD). No.13418 of 2020

Chitra

... Petitioner/Accused No.1

Vs

The Inspector of Police,
Theppakulam Police Station,
Madurai City, Madurai.
(Crime No.1246 of 2020)

... Respondent/Complainant

For Petitioner : M/s.T.Lajapathi Roy,
Advocate.

For Respondent : Mr.Kr.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.1246 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 452,506(ii) and 380 of IPC seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that on 12.10.2020 the defacto complainant was informed that six unidentified made and one female climbed through stairs with deadly weapons and also threatened with dire consequences and had taken Rs. 4 lakhs from their bureau. Thereafter she immediately called the service of 100 and informed the same.

4. The learned counsel for the petitioner would submit that even according to the defacto complainant occurrence took place on 12.10.2020 and the complaint was given only on 18.11.2020. He would also submit that the petitioner is none other than the own sister of the defacto complainant mother and due to previous enmity a false



complaint has been given against the petitioner as if the petitioner along with other accused persons trespassed in the house and stolen the money, in fact no such occurrence had taken place and a false complaint has been given against the petitioner.

5. The learned Government Advocate(Crl.Side) submitted that the petitioner along with other accused trespassed into the house of the defacto complainant and stolen Rs.4lakhs from the house of the defacto complainant. In so far as the petitioner is concerned she is none other than the own sister of the defacto complainant mother.

6. It is seen that there are seven accused in this case and the petitioner herein is arrayed as A1. Admittedly the petitioner is none other than the own sister of the defacto complainant mother. According to the defacto complainant occurrence took place on 12.10.2020 and the complaint was given only on 18.11.2020 after a period of one month. Admittedly there was previous enmity between them and as such a false case has been foisted against the petitioner.

7. Taking into consideration the facts and circumstances of the case, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai 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 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 and when required 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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/ /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.I, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI CITY, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-7717[I] dated 27/11/2020)

ORDER
IN
CRL OP(MD) No.13418 of 2020
Date :26/11/2020

AAV
TE/AKM/SAR-III : 01/12/2020 : 3P/6C