



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.572 of 2021

1.Nagaraj
2.Selvalakshmi

... Petitioners/Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station-Sivagangai Police Station,
Sivagangai District.
Crime No.19 of 2020.

... Respondent/Complainant

For Petitioners : Mr.C.Prabakaran,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

For Anticipatory bail in Crime No.19 of 2020 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
420, 354(D), 384, 507, 509, 506(i) of IPC and 66E, 67, 67(A) of
Information Technology Act r/w Section 4 of TNPHW Act seek
anticipatory bail.

2. The case of the prosecution is that there was some money
transaction between the brother of the second petitioner and the
defacto complainant. When the defacto complainant asked to repay
the money, there was some wordy quarrel arose between them and all
the accused persons are said to have abused the defacto complainant.
Hence the complaint.

3. The learned counsel for the petitioners would submit that
the petitioners are innocent and a false case has been foisted
against them.



4. The learned Government Advocate(Crl.Side) would submit that the investigating is pending.

5.It is seen that the defacto complainant is a friend to A-1 and A-2 in the case. She has given her jewels and money to them and the said jewels had pledged by them. The defacto complainant's husband is working in abroad. In this situation, the defacto complainant's husband about to come back India. Hence, she asked A1 and A2 to return back the said jewels and money and A-1 and A-2 were refused to return the same. Hence, there was a wordy quarrel arose between them. A-3 is the father of A-1 and A5, A-4 is the husband of A5. A-3 and A-4 are residing in Coimbatore, where meeting was arranged for sort out the issue. At that time, there was a wordy quarrel arose between them and further they snatched 3 ½ sovereigns of gold jewels and her mobile phone was also missing. In this case, A-1 and A-3 have already been arrested. As far as this petitioners are concerned, except arranging for meeting to resolve the issue, they have not involved any other offence as alleged by the defacto complainant.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Sivagangai, 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:

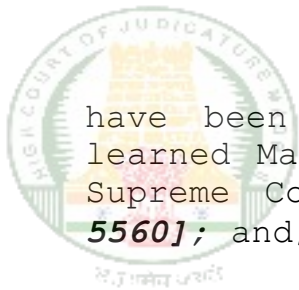
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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/-
12/02/2021

/ TRUE COPY /

/ /2021
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.1, SIVAGANGAI.

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

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

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

+1 CC to Mr.C.PRABAKARAN, Advocate (SR-1057[I] dated 16/02/2021)

ORDER
IN
CRL OP(MD) No.572 of 2021
Date :12/02/2021

CP
TK/PN/SAR.1/22.02.2021/3P/6C