



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2733 of 2021

Shanthi

... Petitioner/Accused No.3

Vs

Stare rep.by,
The Inspector of Police,
Checkanurani Police Station,
Madurai District.
(Crime No.58 of 2021)..

... Respondent/Complainant

For Petitioner : M/s.Banumathy.A.,
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.58 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3 apprehending arrest at the hands of the respondent police for the offences punishable under Section 380 of IPC, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant are neighbours. The de-facto complainant have sum amount of Rs.2,95,000/- for the purchase of land, the petitioner and other accused are planned to dacoit the above said amount. Hence, the complaint.



3.The learned counsel appearing for the petitioner submitted that both are close relatives. He further submitted that the petitioner is innocent and she has been falsely implicated in the above said crime.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that totally there are five accused in this case. The petitioner is the wife of A-2. A-1 is still absconding in this case and A-2 and A-4 are arrested and remanded into judicial custody. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Taking note of the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Usilampatti, 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 deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the credit of Crime No.58 of 2021 before the learned Judicial Magistrate No.II, Usilampatti, without prejudice to her defence before the trial Court;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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

<https://hccservices.courtsofmadras.gov.in/Kse/sha> **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];** and;



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

sd/-
03/03/2021

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/ /2021

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

SJI

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.II,
USILAMPATTI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
CHECKANURANI POLICE STATION, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2733 of 2021
Date : 03/03/2021

NR/PN/SAR-I (10.03.2021) 3P:5C