



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

Date : 10/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7151 of 2021

WEB COPY

1.G.Vijayabaskar

2.Mariselvam

... Petitioners/Accused
Rank Not Known

Vs.

State rep by its,
The Inspector of Police,
Courtallam Police Station,
Tenkasi District.
Crime No. 118/2021.

... Respondent/Complainant

For Petitioners : Mr.Chellapandian S,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No. 118/2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

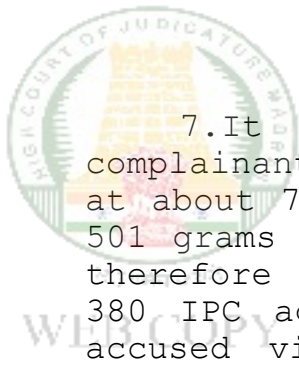
The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
457 and 380 IPC, in Crime No.118 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 09.03.2021, at about
07.00 p.m, when the defacto complainant went to the temple for
worship, she received a call from her daughter that her house was
broken and 501 grams of jewels and Rs.28,000/- of cash were stolen.
Hence, the complaint.

4.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and they have falsely implicated in
this case. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (Crl.side) submitted that A1
and A2 in this case were already arrested and released on bail. He
further submitted that till now the stolen property was not
recovered.

6.Heard the learned counsel for the petitioners and the learned
Government Advocate (criminal side) for the respondent.



7.It is seen from the submissions made that the defacto complainant had locked her house and gone to the temple for worship, at about 7.00 p.m, on 09.03.2021, on coming back it was found that 501 grams of jewels and Rs.28,000/- of cash were found missing and therefore this case came to be registered under Sections 457 and 380 IPC against un-known accused.The confession statement of the accused viz., Maheshwari is filed. Reading of the confession statement shows that she is the mother of the first petitioner and mother-in-law of the second petitioner. The confession statement further reveals that she has illicit intimacy with the main accused-Rajeshkannan and both of them had planned to steal from the house of the defacto complainant. In furtherance of their conspiracy,maheswari facilitated them by stealing the house key without the knowledge of the defacto complainant and gave it to Rajeshkannan and the said Rajeshkannan made duplicate of that key and then using the key he had entered into the house of the defacto complainant and had stolen the property. The only allegation that is found in the confession statement of accused/ Maheshwari against these petitioners is that they had accompanied the accused-Maheshwari, on 10.03.2021 for getting the share of accused-Maheshwari from Rajeskanna. It is specifically stated that the stolen jewellery and cash are kept by Rajeshkanna.

8.It is submitted by both the learned counsel for the petitioners and the learned Government Advocate (criminal side) that the said Rajeshkanna was arrested and released on bail and the accused-Maheshwari was also arrested and released on bail.

9.It is seen from the materials produced in this case that the stolen properties are not available with these petitioners and the main accused were arrested and released on bail. Considering the above said facts, this Court is of the considered view that the custodial interrogation of the petitioners is not necessary and hence, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Shenkottai, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, on their executing 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 said Magistrate 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 daily at 10.30 a.m., until further orders;

[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]**;

[f] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
10/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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, SHENKOTTAI.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
COURTALLAM POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to Mr.S.CHELLAPANDIAN, Advocate (SR-3970[I] dated
14/06/2021)

ORDER
IN
CRL OP(MD) No.7151 of 2021
Date : 10/06/2021