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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.8993 of 2021

1. P.Naganathan
2. N.Rajeswari

... Petitioners/Accused No.1&4

Vs

The State Rep. by
The Inspector of Police,
Thiruvegampet Police Station,
Thiruvegampet,
Sivagangai District.
Crime No.157/2021.

... Respondent/Complainant

For Petitioners : Mr.Pragalathan.N.,
Advocate.

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

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

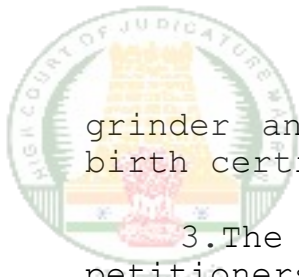
PRAYER :-

For Anticipatory Bail in Crime No.157 of 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 147, 448, 427, 506(ii) IPC and Section 379 (NH) IPC in Crime No.157 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and her husband Naganathan, who is A1 in this case, were married in the year 2007 and they have one son Praveenkumar aged 13 years. Due to some misunderstanding with her husband, they were living separately for the past 4 years. On 29.06.2021, when the defacto complainant returned from Kaikudi, her husband and his brother Pandi, brother's wife Mekala, his sister Rajeswari have illegally trespassed into her house, damaged TV, fridge, grinder, mixer



grinder and stolen 10 sovereigns of gold jewels, Rs.50,000/- and birth certificate of her son. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5.It is seen from the allegation made that the defacto complainant and A1 are wife and husband. Due to matrimonial dispute they are living separately and in consequence to that dispute, the present incident had happened. Taking note of the relationship between the parties and the fact that no one is injured in the incident and also the fact that the alleged offence of theft is non-professional in nature, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, Sivagangai District, 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 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 respondent police daily at 10.30 am., 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/07/2021

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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,
DEVAKOTTAI,
SIVAGANGAI DISTRICT.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
THIRUVEGAMPET POLICE STATION,
THIRUVEGAMPET,
SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- + 1 CC TO Mr.PRAGALATHAN.N., ADVOCATE IN SR No. 4435

ORDER
IN
CRL OP(MD) No.8993 of 2021
Date :08/07/2021

GNS
TE/VR/SAR-IV : 13/07/2021 : 3P/6C