



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.9442 of 2021

Uma, ... Petitioner/Accused Rank Not Known

Vs

The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
In Crime No.1133 of 2021. ... Respondent/Complainant

For Petitioner : Mr.G.Mathavan

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.M.Ramu

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

PRAYER :-

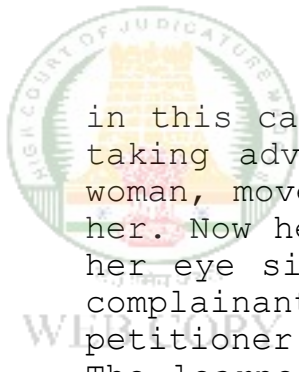
For Anticipatory Bail in Crime No. 1133 of 2021 on the file of Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 381 IPC in Crime No.1133 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that one Arul Kennady lodged a complaint before the respondent police by stating that this petitioner, who is working in his New Apple Digital Flex Designing Center as computer designer, has committed theft of Rs.1,70,000/- from his office table drawer on 28.06.2021.

3.The learned counsel for the petitioner submitted that the
<https://hcservices.mca.gov.in/hcservices/> innocent person and she has been falsely implicated



in this case. He further submitted that the defacto complainant, by taking advantage of her position that her husband married another woman, moved closely with her under the pretext that he would marry her. Now he refused to marry her by stating that the petitioner lost her eye sight. When the petitioner raised some issues, the defacto complainant foisted this false case as against her as if the petitioner has taken away a sum of Rs.1,70,000/- from his office. The learned counsel for the petitioner also relied on the complaint dated 08.07.2021 given by her to the Superintendent of Police, Pudukottai.

4.The learned counsel for the defacto complainant submitted that there are CCTV footages available that this petitioner has went to his cabin on the particular date and time and thereafter, switched off the CCTV camera and committed the offence.

5.Heard the learned counsel for the petitioner, the learned counsel for the intervenor and the learned Government Advocate (Crl.side) appearing for the respondent police.

6.On the pretension that the petitioner might have committed the offence, the defacto complainant has lodged the complaint. On the other hand, the petitioner has lodged a complaint as against the defacto complainant that he has moved with her closely and sexually abused her, on the pretext that he would marry her and now neglecting to marry her. This complaint was lodged on 08.07.2021 and the present complaint was lodged after three days on 11.07.2021. The alleged occurrence was said to have taken place on 28.06.2021, for which, the complaint was lodged only on 11.07.2021. Considering all these factors, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Pudukkottai, Pudukkottai District 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the 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]**.

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

sd/-
05/08/2021

/ TRUE COPY /

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

gns

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 Court No.I,
Pudukkottai, Pudukkottai District.
- 2.Do Through
The Chief Judicial Magistrate,
Pudukkottai.
- 3.The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.9442 of 2021
Date : 05/08/2021

TR/VR/SAR-III (19.08.2021) 3P 5C