



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11512 of 2021

Iswarya

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Kalakkadu Police Station,  
Tirunelveli District.  
(Crime No.329 of 2021).

... Respondent/Complainant

For Petitioner : Mr.V.Angusamy

For Respondent : Mr.T.Senthilkumar,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.329 of 2021 on the file of the 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 Sections 454, 170 and 380 IPC in Crime No.329 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant went away, the petitioner entered into the house of the defacto complainant and took away a sum of Rs.5,000/- kept in the refrigerator. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person. The defacto complainant was selling gutka and the petitioner herein objected to for the same and reported her activities to the respondent police. Therefore, the present case is foisted as against the petitioner. He further submitted that the petitioner is the frontline worker, during COVID-



19 pandemic situation and her services were appreciated by the Sub-Divisional Magistrate, Cheranmahadevi and he also produced the appreciation certificate.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner herein illegally entered into the house of the defacto complainant and took away a sum of Rs.5,000/- from the house. He further submitted that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Nanguneri, 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 daily at 10.30 am., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229-A IPC.

7.It is reported by the learned counsel for the petitioner that the defacto complainant is a gutka seller. Hence, it is needless to state that the respondent police has to find out as to whether the



defacto complainant had indulged in any illegal selling of gutka and proceed further as per law.

sd/-  
16/08/2021

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/ /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,  
Nanguneri.
- 2.Do Through  
The Chief Judicial Magistrate, Tirunelveli.
- 3.The Inspector of Police,  
Kalakkadu Police Station,  
Tirunelveli District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER  
IN

CRL OP(MD)No.11512 of 2021  
Date : 16.08.2021

TR/JC/SAR-IV (23.08.2021) 3P 5C