



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP (MD)No.11610 of 2021

WEB COPY

1.ANNATHAI
2.VIJAYAN
3.MAHALAKSHMI
4.SIVAKANTHAN @ SIVAKANDHANATHAN ... PETITIONERS/ACCUSED 1 TO 4

VS

THE STATE REPRESENTED BY,
THE SUB INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.
(CRIME NO.902 OF 2021)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : MR.A.UTHAYAKUMAR
ADVOCATE,

FOR RESPONDENT : MR.P.KOTTAI CHAMY,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

For Anticipatory Bail in Crime No.902 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 448, 223, 379 IPC in Crime No.902 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's property document along with bank passbook, cheques were taken by the petitioners on 11.02.2021. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioner are innocents and they have been falsely implicated in this case. He further submitted that the second petitioner has lodged a complaint as against the defacto complainant on 13.02.2021 and the same was treated as petition enquiry in C.S.R.No.131 of 2021. As a counter-blast, the present complaint has been lodged as against the petitioners. The learned counsel by relying upon the order passed in W.P.(MD)No.2867 of 2021 submitted that there is a civil dispute pending between the parties and hence, he prayed for anticipatory bail to the petitioners.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the investigation is yet to be completed.

5.Considering facts and circumstance of the case, the nature of allegation levelled against the petitioners and the fact that a civil dispute is pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 the 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/-

24/08/2021

/ TRUE COPY /

/ /2021

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,
THENI DISTRICT.

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

3.THE SUB INSPECTOR OF POLICE,
THENI POLICE STATION,
THENI DISTRICT.

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

+1 CC TO M/S.A.UTHAYA KUMAR, ADVOCATE (SR-5692[I]
DATED 25/08/2021)

ORDER
IN
CRL OP(MD) No.11610 of 2021
Date :24/08/2021

GC/SKN/SAR-III(09.09.2021) 3P 6C