



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.09.2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12978 of 2021

WEB COPY

1. KASINATHAN
2. VIJAYARANI

... PETITIONERS/ACCUSED NO.1&2

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
SINDHUPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. NOT KNOW OF 2021).

... RESPONDENT/COMPLAINANT

For petitioners : Mr.V.Pandiyan, Advocate.

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

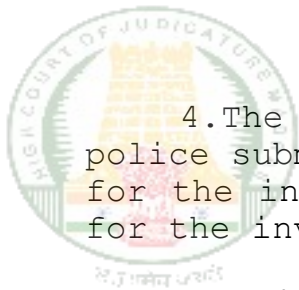
For Anticipatory Bail in Crime No. Not Known of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406 and 420 IPC in Crime No. Not Known of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant one Meenakshi gave five sovereigns of gold jewels to the first petitioner and Rs.5,00,000/- cash to the second petitioner during the period of May 2021, when the de-facto complainant and her companion admitted for Corana Treatment. The companion Thangaiah died on 17.05.2021. Therefore, the de-facto complainant demanded for the jewels and cash from the petitioners, but they were not intending to return the same. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the petitioners are ready to co-operate for the investigation.



4.The learned Additional Public Prosecutor for the respondent police submitted that though the petitioners are ready to co-operate for the investigation, the de-facto complainant has not co-operated for the investigation and the investigation is still pending.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the fact that the de-facto complainant has not co-operated for the investigation and also the fact that the investigation is still pending, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judge 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

(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 Judge/ 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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/09/2021

/ 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,
THIRUMANGALAM, MADURAI DISTRICT.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
SINDHUPATTI POLICE STATION,
MADURAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.PANDIYAN V Advocate SR.No.6529.

ORDER
IN
CRL OP(MD) No.12978 of 2021
Date :22/09/2021

kmm
USK/PN/SAR-III/(12.10.2021) 3P-6C