



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

Date : 19/01/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.14881 of 2020

Prabha ... Petitioner/Sole Accused

Vs

1.State Rep. by
The Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District,
Crime No.31/2018. ... Respondent/Complainant

2. Brand Eldin ... Petitioner/3rd Party/
De-facto Complainant

3. Vijila
4. Moses Kumar
5. Sujatha
6. Sahaya Rosemercy @ Jegatha ... Respondents

For Petitioner : Mr.S.Sureshkumar,
Advocate.
For R-1 : Mr.A.Robinson,
Government Advocate (Crl.Side)
For R-2 : Mr.K.R.Laxman, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.31 of 2018 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the first respondent and the learned counsel appearing for the defacto complainant.



2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 409 and 420 of I.P.C., in Crime No.31 of 2018 on the file of the respondent police, seeks anticipatory bail.

3. The petitioner had originally filed this criminal original petition seeking anticipatory bail. The petitioner's earlier petition for anticipatory bail had been dismissed. This Court, therefore, made it clear that if the petitioner surrenders before the respondent police, this Court will convert this petition for anticipatory bail to one of bail to grant him relief.

4. Today when the matter was taken up for hearing, the petitioner's counsel stated that the petitioner surrendered before the first respondent police and is presently lodged in the Women Prison, Takkalai.

5. I am of the view that the occurrence had taken place way back in the year 2018. More than 2½ years have elapsed. I am therefore of the view that continued incarceration of the petitioner would not serve any purpose. The petitioner is a woman aged 31 years. The employer of the petitioner can recover from the petitioner on any other modes. By keeping her in custody cannot be an appropriate mode of recovery.

6. Therefore, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) 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 Judicial Magistrate NO.II, Nagercoil.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
19/01/2021

/ 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE,
WOMEN PRISON, TAKKALAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14881 of 2020
Date :19/01/2021

PMU
JM/PN/SAR I/20.01.2021/3P/6C