



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11821 of 2022

1 SHALINI

[PETITIONERS/ ACCUSED]

2 MAGESH

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE (CRIME)

TRIPPLICANE POLICE STATION

CHENNAI.

(CRIME NO.278 OF 2022)

For Petitioner :MR.C.K.M.APPAJI FOR M/S.S.UDAYASANKAR Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offence punishable under Section 380 IPC in Crime No.278 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the de facto complainant gave a complaint alleging that 32 sovereigns of gold, silver 30 gms and Rupees One Lakh were stolen from her house on 12.04.2022, when she went to attend a marriage function at Vijayawada. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the de-facto complainant and the petitioners are the close relatives and the petitioners are having two daughters, aged 12 years and 15 years and are staying in the de facto complainant house along with their grandmother. Further, he submitted that only to harass the petitioners, the present complaint has been foisted against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the de facto complaint stayed at Vijayawada for one day, and on the next day, she found that the jewels and cash were missing. Further, he submitted that the finger prints of the petitioners' daughters are matching in the place of occurrence. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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 on which the order copy made ready, before the Learned II Metropolitan Magistrate, Egmore, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with 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 229A IPC.

WEB COPY

-sd/-

08/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE II METROPOLITAN MAGISTRATE,
EGMORE.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE (CRIME)
TRIPLICANE POLICE STATION
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.UDAYASANKAR Advocate on payment of necessary charges SR.No.8614

CRL OP.11821/2022

Date :08/06/2022

CSK 14/06/2022