



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11736 of 2022

PREMALATHA

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE

ERODE SOUTH POLICE STATION,

ERODE DISTRICT.

CRIME NO.227/2022.

For Petitioner : M/S.I.C.VASUDEVAN 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 petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447, 448, 427 and 379 (NP) of IPC in Crime No.227 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant namely V.P.Sathiyam is the tenant under the petitioner's husband namely Ramesh in the Venkatesawara building in room No.3, subsequent to the death of the said Ramesh the defacto complainant paid the monthly rent to the petitioner. Due to the mis-understanding between the defacto complainant and the petitioner, the defacto complainant kept the articles in the room No.3 and locked, while so in 1st week of August 2021 the petitioner along with other persons break and opened the said room and taken away the furniture, dress and cash to the worth about 1,65,000/-. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the said alleged offence. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the defacto complainant already vacated the said house after locking it and that he also owes certain sum of money as arrears of rent to the petitioner.

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

6. Accordingly, the petitioner is 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 Judicial Magistrate-III, Erode**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, one among the surety shall be a blood relative of the accused, 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 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/05/2022

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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 JUDICIAL MAGISTRATE,
NO.III, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ERODE SOUTH POLICE STATION,
ERODE DISTRICT.

+1 CC to M/S.I.C.VASUDEVAN Advocate on payment of necessary charges SR.NO.7752

CRL OP.11736/2022

Date :19/05/2022

TA-24/05/2022