



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04.02.2022

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.1988 of 2022

WEB COPY

Meenatchi

... Petitioner/Accused No.1

Vs.

State Rep.by
The Inspector of Police,
Subramaniyapuram Police Station,
Madurai District.
(Crime No.566 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Karunanithi, 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.566 of 2021 on the file of the respondent Police.

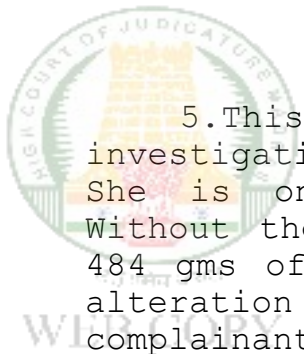
ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 379, 427, 406, 407, 415, 420 and 120(b) of IPC in Crime No.566 of 2021 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.The case of the prosecution is that the first accused conspired with the other accused persons, trespassed into the defacto complainant's house and had stolen 60 sovereigns of jewels. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a housemaid of the defacto complainant. She is an innocent person and her name was not found in the First Information Report. Subsequently, she was added as an accused in this case.

4.The learned Additional Public Prosecutor appearing for the respondent opposed this petition on the ground that investigation is still pending.



5.This is the second anticipatory bail application. After investigation, this petitioner's name was included in this case. She is only a housemaid in the defacto complainant's house. Without the knowledge of the defacto complainant, the accused got 484 gms of gold from his wife and mortgaged the same. As per the alteration report, only A3 and A4 cheated the wife of the defacto complainant and no allegation is found against the petitioner herein. Considering the above facts, 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 her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.IV, Madurai and on her executing 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 Magistrate concerned and on further conditions 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 Aadhaar cards or bank pass books to ensure their identity.

(b)the petitioner shall report before the respondent policedaily at 10.30 a.m., for a period of thirty days 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/02/2022

"For being mentioned"

(*)7.The learned counsel for the defacto complainant mentioned that already order was passed by a learned single judge of this



Court in Crl.O.P.(MD)No.651 of 2022 for transfer of investigation and further ordered that unless arrest is effected, there cannot be recovery. However, there is no order for not to arrest.

8.Crl.O.P(MD)No.651 of 2022 was filed by the defacto complainant seeking transfer of investigation of the case in Cr.No.566 of 2021. The learned Single Judge ordered for transfer of investigation to the jurisdictional Assistant Commissioner of Police. The petitioner/accused was already granted anticipatory bail by this Court in Crl.O.P(MD)No.1988 of 2022 on 04.02.2022. But the defacto complainant has not filed any petition for cancellation of the same. Even in Crl.O.P(MD)No.651 of 2022, no notice was sent to the accused. Hence the petitioner/accused is directed to cooperate with the investigation. If the petitioner/accused is not cooperating for investigation, the prosecutor may bring the matter before this Court for cancellation of anticipatory bail.

sd/-
09/02/2022

/ TRUE COPY /

09/02/2022
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 NO.IV, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE
SUBRAMANIPURAM POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1988 of 2022
Date :04/02/2022