



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/04/2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.5859 of 2022

Mohamed Mathina Beevi

... Petitioner/5th Accused

Vs

The State rep.by
The Inspector of Police,
Keela Karai Police Station,
Ramanathapuram District.
(Crime No.233/2021).

... Respondent/Complainant

For Petitioner : M/s.ANANDHAN.B,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.233 of 2021 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 respondent.

2.The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 392 and 397 IPC, in Crime No.233 of 2021, on the file of the respondent police, seeks anticipatory bail.

3.The case of the prosecution is that defacto complainant is working as a Manager in ESSAR Petrol Bunk situated at Keelakarai to Ramanathapuram, ECR Road, for the past three years. On 09.09.2021, when the defacto complainant along with two employees were working in the said petrol bunk, three unknown persons came in a white colour Duke Bike without registration number with sword by covering their faces with kurtha and cut the table. On seeing them, the defacto complainant and other employees ran away from there with



fear and the accused persons stolen a sum of Rs.1,70,000/- and one Galaxy Tab. Thereafter, the accused persons escaped from the occurrence place. Hence, the defact complainant lodged a complaint.

4.Considering the fact that the stolen properties are yet to be recovered, this Court dismissed the earlier applications filed by the petitioner on 26.10.2021 and 27.01.2022.

5.The learned counsel for the petitioner moved this third application, claiming that the other accused persons involved in this case have already been released on bail. This petitioner is the wife of one of the accused person. She is no way connected with the offence. The petitioner also appeared before the investigating officer and co-operated for the investigation as per the interim order of this Court, dated 13.04.2022. The investigation in this case has also been almost completed.

6.The learned Government Advocate appearing for the respondent submits that the stolen properties are yet to be recovered and objected for granting anticipatory bail to the petitioner. He also agreed that major portion of the investigation in this case has been completed.

7.Considering the submissions on either side and also taking into consideration that the other co-accused have been released on bail and major portion of investigation in this case has been completed, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.I, Ramanathapuram, on condition that the petitioner 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 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 card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders.

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

sd/-

27/04/2022

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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.I
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KEELA KARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.M.S.JEYAKARTHIK, Advocate SR.No.3945

ORDER

IN

CRL OP(MD) No.5859 of 2022
Date :27/04/2022

SA/SVR/SAR.4/05.05.2022/3P/6C