



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.04.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6983 of 2022

1.Palpandian

2.P.Alagulakshmi

... Petitioners/Accused Nos. 1 & 2

Vs

THE STATE REP BY,
The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
(Crime No. 59 of 2022)

... Respondent/Complainant

For Petitioners : Mr.N.Balasubramanian, Advocate.

For Respondent : Mr.R.Sivakumar
Government Advocate (Crl.Side)

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

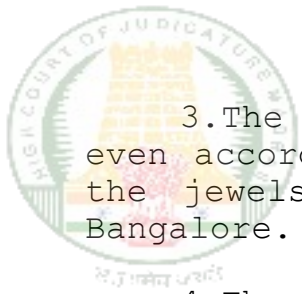
PRAYER :-

For Anticipatory Bail in Crime No.59 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 380 IPC, in Crime No.59 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 03.03.2022, the de-facto complainant and his wife came to the first petitioner's shop. At that time, the de-facto complainant's wife showed the jewelry, which was already purchased by her, to the petitioners and after showing the jewelry to the petitioners, they left from the said shop and after reaching their house in Bangalore, they came to know that the jewels and a sum of Rs.15,000/- were found missing. Hence the complaint.



3.The learned counsel for the petitioners would submit that even according to the de-facto complainant, they came to know that the jewels and cash were found missing only after arriving at Bangalore.

4.The learned Government Advocate(Crl.Side) would submit that the property is not yet recovered, that the first petitioner, is the relative of the de-facto complainant, that the second petitioner is the staff working under the first petitioner and that the petitioners are not having any previous case.

5.Considering the nature of the charges levelled against the petitioners and the also the fact that the petitioners are not having any previous case for similar or serious offence or for any other property offence, 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 their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, on condition that the petitioners 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 first petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation; and the second petitioner shall report before the respondent police 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***



55601; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/04/2022

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WEB COPY

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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,
RAJAPALAYAM,
VIRUDHUNAGAR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CCtoM/s.N.BALASUBRAMANIAN, Advocate (SR-3514[I] dated 19/04/2022)

ORDER
IN
CRL OP(MD) No.6983 of 2022
Date :13/04/2022

PKP/JM/SAR-1/21.04.2022/3P/6C