



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

Date : 11/05/2022

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.7704 of 2022

Bharathi

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Sub Inspector of Police,
Town Police Station,
Rameswaram,
Ramanathapuram District.
(Crime No. 270 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.Gokul, Advocate
For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.270 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 420 IPC in Cr.No. 270 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that petitioner's husband entered into the house of the defacto complainant and stolen the silver anklet and also collected a sum of Rs.3,000/- as if they are municipal authorities. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would further submit that to show her bonafide, the petitioner is ready and willing to deposit a sum of Rs.10,000/- on her own volition, which may be disbursed to the defacto complainant.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner and her husband entered into the house of the defacto complainant as if they are municipal authorities and collected a sum of Rs.3,000/- and committed theft of silver anklet and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner is a lady and she is ready to deposit the amount, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)The petitioner is directed to deposit a sum of Rs.10,000 (Rupees Ten Thousand only) to the credit of Crime No.270 of 2021 on the file of the learned Judicial Magistrate, Rameswaram within a period of fifteen days from the date of receipt of a copy of this order and on such deposit, the learned Judicial Magistrate, Rameswaram is directed to disburse the same to the defacto complainant after getting an undertaking that in the event of the petitioner succeeding in the trial, the amount will be disbursed to the accused by the defacto complainant.

(b) 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;

(c)the petitioner shall report before the respondent police daily at 10.30 am.,till the injured discharged from the hospital;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f)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

<https://hccservicescourts.gov.in/Kse/sha> **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];** and;



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

sd/-
11/05/2022

WEB COPY

/ TRUE COPY /

12/05/2022

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,
RAMESWARAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE SUB INSEPCTOR OF POLICE,
TOWN POLICE STATION, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7704 of 2022
Date :11/05/2022

trp/tta
USK/JM/SAR-II/12.05.2022/3P/5C