



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/08/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14308 of 2022

1. Prabakaran
2. Selvam

... Petitioners/Accused No.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Thottiyam Police Station,
Trichirappalli District.
(Crime No.127/2022)

... Respondent/Complainant

For Petitioner : Mr.Sudhagar Nagaraj N,
Advocate.
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.127/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 294(b), 323, 324, 379 and 506(2) IPC in Crime No.127 of 2022 on the file of the respondent police.

2.The earlier application that was filed by the petitioners came to be dismissed on the ground that the jewellery and the two wheeler have not been recovered so far. Now, this petition has been has been filed on the ground that the defacto complainant and the accused persons are the father and sons, who born to the defacto complainant through the 2nd wife. Because of the aforesaid issue, a false complaint has been given. To find out whether the jewellery has been recovered or not, notice was ordered to the 2nd respondent, but it could not be served.

3.The learned Government Advocate (Crl.side) for the respondent would submit that because of the aforesaid civil dispute between the parties, both are not cooperating for completing the process of investigation and they are making allegation and counter allegation against each other. Because of the non-cooperation, missing of the jewellery could not be traced and find out.



4. Since there is no proper cooperation on the part of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned District Munsif cum Judicial Magistrate, Thoottiyam (Town and Taluk), Trichirappalli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 am., and cooperate with them for completing the process of investigation until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

30/08/2022

/ TRUE COPY /

/09/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THOTTIYAM (TOWN AND TALUK),
TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
THOTTIYAM POLICE STATION, TRICHIRAPPALLI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.14308 of 2022

Date : 30/08/2022

MM

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