



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14460 of 2022

WEB COPY

1. Narayanan
2. Venkatesan
3. Selvi
4. Ranjith @ Ranjithkumar
5. Malathi
6. Arun
7. Thenmozhi
8. Murugan

... Petitioners/Accused No.1,3 to 9

Vs

The State rep.by,
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.233 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sulthan Basha.J,
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.233 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 109, 406, 323 and 506(ii) IPC, in Crime No.233 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the wife of A1 and has stated that she is running a jewellery shop. Because of some dispute, they were living separately. The first accused is running another two jewellery shops and she is maintaining the 3rd one. On 20.03.2022, she locked the jewellery shop after taking the stock and when she was watching CCTV at about 11.30 pm the first accused along with other accused persons broke open the shop and stealing the jewels. She also immediately rushed to the shop and tried to prevent the accused from stealing the jewellery. But, the accused persons threatened her with dire consequences with



knife point. Based upon which the complaint was given against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that during the course of investigation it was found that the above said jewellery are in possession of the defacto complainant and she has also given a statement to that effect. He would further submit that because of the matrimonial dispute the defacto complainant is continuously giving complaint against the accused persons. He further submitted that even after the alleged occurrence another FIR has been registered on the basis of the complaint given by the defacto complainant.

5. Considering the facts and circumstances and also considering the fact that it is a matrimonial dispute between the parties and that the defacto complainant is giving complaint one after another, the respondent police is at liberty to close the complaint. In view of the above said development, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 Judicial Magistrate, Uthamapalayam, Theni 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 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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 stands dismissed.

sd/-
11/08/2022

/ TRUE COPY /

/08/2022

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

TRP



TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3. THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. SULTHAN BASHA.J Advocate SR.No.8416

ORDER

IN

CRL OP(MD) No.14460 of 2022

Date : 11/08/2022

RK/JM/SAR-II(17/08/2022) 3P/6C