



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

Date : 24/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.15325 of 2022

1. Sathya
2. Thivish @ Thivish Kumar ... Petitioners/Accused No.1&2

Vs

The State Rep. By,
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(In Crime No.237/2022). ... Respondent/Complainant

For Petitioner : M/s.Gunasekaran.P,
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.237/2022 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 147, 448 and 506(i) of IPC, in Crime No.237 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The defacto complainant lodged a complainant stating that the first petitioner is the wife of his uncle namely, Narayanan, who is running a jewellery shop in the name and style of 'Logitha Jewelers' in Cumbum Town, Theni District. The second petitioner is their son. Because of some difference of opinion, they were living separately. On 09.08.2022, at about 11.30 a.m, the petitioners along with some unknown persons said to have trespassed into the jewellery shop of the above said Narayanan and tried to take the jewels, which were kept in the shop. Hence, present case came to be registered against the petitioners.



3. The learned counsel for the petitioners submitted the petitioners are innocent and they have been falsely implicated in this case. He further submitted that it is a matrimonial dispute between the husband and wife. Counter complaint has also been registered against the husband and others in Crime No.233 of 2022.

WEB COPY

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a case and case in counter. Counter case has been registered against the husband and other in Crime No.233 of 2022. They moved anticipatory bail before this Court in Crl.OP(MD)No.14460 of 2022 and the same was allowed on 11.08.2022. He further submitted that it is matrimonial dispute between the husband and wife.

5. Considering the facts and circumstances and also considering the fact that it is a matrimonial dispute between the husband and wife and in counter case, accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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/-
25/08/2022

/ TRUE COPY /

08/09/2022
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 JUDICIAL MAGISTRATE,
UTHAMAPALAYAM THENI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
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.P.GUNASEKARAN, Advocate (SR-9129[I] dated 26/08/2022)

ORDER

IN

CRL OP(MD) No.15325 of 2022

Date :25/08/2022

dss

USK/VR/SAR-IV/08.09.2022/3P/6C