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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/10/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.18354 of 2022

Sumathi

... Petitioner/4th Accused

Vs

State rep.by

The Inspector of Police,
Medical College Police Station,
Thanjavur District.

Cr.No.286/2022.

... Respondent/Complainant

For Petitioner : Mr.N.Adithya Vijayalayan,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Criminal Side)

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

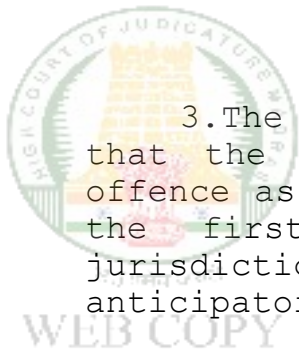
PRAYER :-

For Anticipatory Bail in Crime No.286 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 420, 506(i) IPC and Section 4 of TNPHW Act, in Crime No.286 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband is working at Singapore for the past four years. She was having relationship with the first accused and due to that relationship, she gave 26 1/2 sovereigns of gold ornaments for his family expenses. After sometime, she requested the first accused to return the jewels, but he refused to return the same. When the same was questioned by the defacto complainant, the first accused along with other accused including the petitioner threatened her with dire consequences. Hence, the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution. He would further submit that the first accused has already been granted bail by the jurisdictional Court and other accused were also granted anticipatory bail by this Court.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner was implicated only on the basis of the confession taken from the co-accused and that the petitioner is not having any previous case for similar or serious offence.

5.Considering the facts and circumstances of the case and also the nature of the charges alleged against the present petitioner and also taking note of the facts that the first accused was already granted bail by the jurisdictional Court and the co-accused 2, 3 and 5 were also granted anticipatory bail by this Court in Crl.OP (MD)No.17801 of 2022 and also considering the fact that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Additional Mahila Court, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 Special Judge concerned and on further conditions that:

(a)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;

(b)the petitioner shall report before the respondent police on every Wednesday and Sunday at 10.30 am for a period of six weeks and thereafter, as and when required for interrogation.

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

(d)the petitioner 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 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 Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-

18/10/2022

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/10/2022

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

DAS

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 JUDGE, ADDITIONAL MAHILA COURT, THANJAVUR.
- 2.THE INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-11753[I] dated 20/10/2022)

ORDER

IN

CRL OP(MD) No.18354 of 2022

Date :18/10/2022

RK/BUC/SAR-1 (26/10/2022) 3P/5C