



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2022

PRESENT

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21569 of 2022

Vellimani

...Petitioner/Accused
Rank Not Known

-vs-

State rep.by
The Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.
(in Crime No.259 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest in Crime No.259 of 2022 on the file of the respondent on such terms and conditions.

For Petitioner : Mr.A.Tamilarasan, Advocate

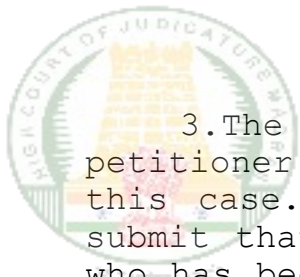
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

For Intervenor :Mr.S.Bharathi, Advocate

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 457, 380 and 414 IPC in Crime No.259 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant. Selvaraj is that he is running a shop in the name and style of "Selvarani Textiles" and on 22.08.2022, he had completed his business and kept the sales amount of Rs.6,00,000/- in the shop and closed the shop. When he opened the shop on the next day, it was found that somebody had committed theft of Rs.6,00,000/-. Hence, the case.



3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and she has been falsely implicated in this case. The learned Counsel for the petitioner would further submit that the petitioner is the wife of one Justin Sundar Singh, who has been arrested and remanded in jail and based on the alleged confession recorded from him, this petitioner has been implicated in this case. He would submit that the petitioner's husband stated to have been given a confession, wherein, he has stated that he has handed over a sum of Rs.3,00,000/- to the petitioner. He would further submit that the petitioner is hailing from Narikuravar community and she, without knowing the antecedents of her husband, had married him and now only she comes to know that her husband committed burglary. He would submit that the petitioner is suffering with three children and no amount has been handed over to her. He would submit that even taking into considering the allegation that the petitioner has received the amount and other than that, no specific allegation against her, as if she had aided or abetted her husband to commit the offence.

4.The learned Government Advocate (crl.side) would submit that the petitioner is the wife of the accused. The accused had confessed that out of Rs.6,00,000/- he had handed over Rs.3,00,000/- to the petitioner herein. He would object for grant of bail.

5.The learned Counsel for the intervenor objects to grant anticipatory bail stating that the accused had confessed that the amount has been handed over to the petitioner.

6.Taking into consideration the facts and circumstances of the case and on perusing the records, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Rajapalayam, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

06/12/2022

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/12/2022

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

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TO

1. THE JUDICIAL MAGISTRATE,
RAJAPALAYAM.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CCs to M/S.TAMILARASAN A Advocate SR.No.60324

ORDER

IN

CRL OP (MD) No.21569 of 2022

Date :06/12/2022