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CRL OP(MD).



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

Date : 27/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5594 of 2023

Shiny

... Petitioner/Accused  
Rank not Known

Vs

State rep. by,  
The Inspector of Police,  
Kurumbur Police Station,  
Thoothukudi District.  
Crime No.07 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Saravanakumar.C.,  
Advocate.

For Respondent : Mr.R.M.Anbunithi,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.07 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 offences punishable under sections 302, 380 of IPC in Crime No. 7 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the daughter of the deceased. The deceased is aged about 84 years who was living separately. The defacto complainant is taking care of the deceased and used to provide food daily to the deceased. On the date of occurrence, the son of the defacto complainant had gone to the house of the deceased and at that time the deceased was



murdered and her five sovereigns of gold chain was stolen one, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.

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4. The occurrence had taken place on 07.01.2022. The defacto complainant is the mother of the husband of the petitioner. It is seen that the deceased had executed Will in favour of the other grand son. for giving in share of the first accused. Admittedly the first accused got love marriage with the petitioner and they have given shelter by the deceased namely the grand mother. In so far as the petitioner is concerned she failed to appear before the respondent and cooperate with the enquiry, therefore she apprehends arrest at the hands of the respondent. Further custodial interrogation of the petitioner is not required in this case. Taking into consideration the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioner , with certain conditions:

5. 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, Srivaikundam, Thoothkudi 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 daily at 10.30 am., and 5.30 pm., 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].



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

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

AAV

TO

1. The Judicial Magistrate, Srivaikundam, Thoothkudi.
2. Do through the Chief Judicial Magistrate,  
Thoothukudi.
3. The Inspector of Police,  
Kurumbur Police Station,  
Thoothukudi District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SARAVANAKUMAR, Advocate( SR-5064[I] dated  
29/03/2023 )

ORDER  
IN

CRL OP(MD) No.5594 of 2023  
Date : 27/03/2023

NA/BUC/SAR-I/29.03.2023/3P/6C