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

Date : 09.03.2023

PRESENT

**The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD)Nos.8089 & 8320 of 2022**

Dhivya ... Petitioner/A1 in Crl.O.P.(MD)No.8089 of 2022

Moses Raja @ Moses Raja Singh

... Petitioner/A2 in Crl.O.P.(MD)No.8320 of 2022
Vs

1.The State Rep.by
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
(Crime No.5 of 2022)

... Respondent in both Crl.OPs.

2. Prabhakaran Jebastin ... Petitioner/ Intervener
in Crl.MP(MD)No.5788 & 6267 of 2022

For Petitioner : Mr.R.Anand
(in Crl.O.P.(MD)No.8320 of 2022)

For Petitioner : Mr.R.Anand
(For M/S.P.Gunasekaran)
(in Crl.O.P.(MD)No.8089 of 2022)

For Respondent : Mr.R.M.Anbunithi,
(in both Crl.OPs.) Additional Public Prosecutor.

For Intervenors : Mr.M.S.Suresh Kumar
(in both Crl.OPs.)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.5 of 2022 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
418, 420, 294(b) and 506(i) IPC in Crime No.5 of 2022, seek
anticipatory bail.



2.The case of the prosecution is that the first accused and the defacto complainant are husband and wife. The first accused stole Rs.25 Lakhs and gold jewels and gave it to the second accused. Hence the case.

3.Heard the learned counsel appearing for the petitioners, the learned counsel for the intervenors and the learned Additional Public Prosecutor appearing for the respondent police.

4.It is seen that the first accused filed divorce petition in IDOP.No.868 of 2021 as against the defacto complainant and also filed maintenance petition in M.C.No.12 of 2021 before the Family Court, Madurai and the same is pending. Therefore, in order to escape from the clutches of law, the husband foisted the present case.

5.Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.1, Tirunelveli, 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 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 petitioners 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 petitioners shall report before the respondent Police, as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

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TO

1.The Judicial Magistrate No.1,
Tirunelveli.

2. -do-Through The Chief Judicial Magistrate,
Tirunelveli.

3.The Inspector of Police,
City Crime Branch,
Tirunelveli City.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+2 CC to M/s.M.S.SURESHKUMAR, Advocate (SR-3902,3903[I] dated 10/03/2023)

+2 CC to M/s.GUNASEKARAN.P, Advocate (SR-4072,4073[I] dated 13/03/2023)

ORDER

IN

CRL OP (MD) No.8089 of 2022

Date :09/03/2023

RD/BUC/SAR-II (16/03/2023) 3P 9C