



CRL OP(MD) No.262 of 2024

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

Monday, the Twelfth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.262 of 2024

1 C.BALASUBRAMANIAN

2 NAVANEETHA KRISHNAN

3 THILGA @ THILAGAM

4 BABY

... PETITIONERS/ ACCUSED NO.1 TO 4

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT
(CRIME NO.9/2023)

... RESPONDENT/COMPLAINANT

For Petitioners : MR.K.DINESH Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

For Intevener : MR.C.SENTHIL MURUGAN, Advocate

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

<https://www.mhc.tn.gov.in/judis>



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PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.9/2023 ON THE FILE OF THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners / Accused Nos.1 to 4, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 498 (A) and 406 of I.P.C. in Crime No.09 of 2023, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is having one girl child aged about 14 years. On 30.11.2021, the husband of the defacto complainant died. After the death of her husband, the accused persons joined together and took away the jewels belonged to the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and he would further submit that the entire jewels were deposited in the name of the defacto complainant's daughter in the Indian Bank. He would further submit that if the girl wants to go with her mother, there is no objection to go with her. Accordingly, he prays for anticipatory bail.

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4. The learned counsel appearing for the defacto complainant has raised serious objection to grant anticipatory bail to the petitioner.

5. Earlier, this Court on 30.01.2024, issued a direction to the Branch Manager, Indian bank, Sivakasi Town Branch, Virudhunagar District to open a safety locker to deposit the gold jewels in the name of the minor girl, viz,, Kalaivani, till she attains majority / 21 years / till her marriage, whichever is earlier.

6. Pursuant to the direction issued by this Court, the entire jewels have been deposited in the safety locker opened in the name of the girl child, viz., Kalaivani and a report has also been produced before this Court in this regard.

7. Considering the facts and circumstances of the case and also considering the fact that the issue is settled between the petitioners and the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a



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period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri 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 and on further condition that:

(a).if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b).the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c).the petitioners are directed to appear before the respondent police as and when required for interrogation;

(d).the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e).the petitioners shall not abscond either during investigation or trial;

(f).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



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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]; and;

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

The report sent by the Branch Manager, Indian Bank, shall form part and parcel of this order.

sd/-
12/02/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar (CS- I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tsg

TO

- 1.THE JUDICIAL MAGISTRATE, NANGUNERI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR
- 3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE BRANCH MANAGER,
INDIAN BANK, SIVAKASI TOWN BRANCH,
VIRUDHUNAGAR DISTRICT,

+1 CC to M/s.K.DINESH, Advocate (SR-1844[I] dated 14/02/2024)

ORDER
IN

CRL OP(MD) No.262 of 2024

Date :12/02/2024

RK/GS (16/02/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023