



CRL OP(MD) No.577 of 2024

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

Thursday, the Eleventh day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.577 of 2024

1 JOTHIMANI
2 KAMALAM
3 LIBINA

... PETITIONERS/ ACCUSED NO.1 TO 3
Vs

THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
TRICHY DISTRICT.
CRIME NO.3/2024.

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.K ARUNRAJ Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.3/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 448, 427 and 379 IPC, in Crime No.3 of 2024, seek
anticipatory bail.



CRL OP(MD) No.577 of 2024

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2. The case of the prosecution is that on 31.12.2023 at about 1.00 p.m., the petitioners were illegally trespassed into the house of the defacto complainant, damaged the household articles, stolen $\frac{3}{4}$ sovereigns of gold and Rs.40,000/- as cash. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, prior to the alleged occurrence, the petitioners made a complaint against the defacto complainant, stating that the defacto complainant blocked the entire pathway of the petitioners' house and in order to wreck vengeance only, this complaint has been preferred. The petitioners are poor persons and they have small huts in that area. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the stolen articles were not yet recovered. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the

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CRL OP(MD) No.577 of 2024

fact that it is a civil dispute between the petitioners and the defacto complainant, due to which, the earlier CSR No.1072 of 2023 was registered against the defacto complainant, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Musiri, 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 shall report before the respondent Police as and when



CRL OP(MD) No.577 of 2024

required for interrogation,;

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(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 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.

sd/-
11/01/2024

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/01/2024

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

INDU

TO

1.THE JUDICIAL MAGISTRATE COURT, MUSIRI.



CRL OP(MD) No.577 of 2024

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3. THE INSPECTOR OF POLICE
MUSIRI POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-596[I] dated 11/01/2024)

ORDER
IN
CRL OP(MD) No.577 of 2024
Date :11/01/2024

RK/DD (22/01/2024) 5P / 6C
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