



CRL OP(MD) No.1067 of 2024

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

Wednesday, the Twenty Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1067 of 2024

SAKUNTHALA

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
ODDANCHATRAM POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.485/2023.)

... Respondent / Complainant

For Petitioner : M/s.K.Kumaravel, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.485/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 379 and 420 of IPC in Crime No.485 of 2023, seek
anticipatory bail.



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2. The case of the prosecution is that when the accused purchased gold jewels in a jewellery shop, they took the original gold jewels and put spurious gold jewels in that place. On perusal of CCTV video footage, the defacto complainant, who is the owner of the shop, made a complaint before the respondent Police.

3. The learned counsel appearing for the petitioner would submit that that the petitioner is an innocent. Further, the 6 sovereigns of gold jewels was recovered from the petitioner. However, on instructions, he would submit that the petitioner is ready to deposit a sum of Rs.12,000/- (Rupees Twelve Thousand only) to the credit of Crime No.485 of 2023, before the learned Judicial Magistrate, Oddanchatram, without prejudice to her rights and contentions. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, liberty may be given to the petitioner to refund of the said amount. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the earlier anticipatory bail petition filed by the petitioner was dismissed by this Court on the ground that the stolen articles were not recovered. But now, the stolen articles were recovered from the other accused person and the balance amount of Rs.12,000/- has to be paid by the petitioner and



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one previous case is pending against the petitioner.

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5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is ready to deposit a sum of Rs.12,000/- (Rupees Twelve Thousand only) to the credit of Crime No.485 of 2023, before the learned Judicial Magistrate, Oddenchatram, without prejudice to her rights and contentions, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Oddenchatram, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of four weeks 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



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Bank pass Book to ensure their identity;

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(c) the petitioner shall deposit a sum of Rs.12,000/- (Rupees Twelve Thousand only) to the credit of Crime No.485 of 2023, before the learned Judicial Magistrate, Oddenchatram, without prejudice to her right and contention, within a period of four weeks from the date of receipt of a copy of this order and thereafter, sureties shall be accepted. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, the petitioner is entitled for refund of the said amount;

(d) the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, he shall appear before the respondent Police as and when required;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;

(g) 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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
24/01/2024

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

INDU

To

1.The Judicial Magistrate,
Oddenchatram.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Oddanchatram Police Station,
Dindigul District.

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

ORDER
IN
CRL OP(MD) No.1067 of 2024
Date :24/01/2024

ED/ GS /SAR- (01/02/2024) 5P / 5C



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