



CRL OP(MD) No.770 of 2024

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

Thursday, the Eighteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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(*)VALLIMAYIL @ VALLIYAMMAL

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

**THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.102/2023).**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SENTHIL MURUGAN, 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.102/2023 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 alleged offence under Section 379 of I.P.C, in Crime No.102 of 2023,
seeks anticipatory bail.**

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



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2.The case of the prosecution is that on 28.06.2023, the defacto complainant went to the temple festival and after sometimes, she found that her Thali Chain weighing about 12 sovereign was found missing. Thereby, the defacto complainant made a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He further submitted that the stolen article was recovered from A1 and A1 was already released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner along with other accused snatched the Thali Chain of the defacto complainant. However, he fairly conceded that the stolen property was recovered from A1 and A1 was already released on bail.

5. Considering the facts and circumstances of the case and also considering the facts that the stolen property was recovered from the main accused/A1 and A1 was already released on bail, this Court is inclined to grant anticipatory bail to the

petitioner.

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6. Accordingly, the petitioner is granted anticipatory bail and she 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 of receipt of a copy of this order, before the learned **Judicial Magistrate, Paramakudi, Ramanathapuram District**, 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 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix her 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 her identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

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



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(e) the petitioner 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 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]*; and;

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

sd/-

18/01/2024

**(*) AMENDED AS PER ORDER OF THE COURT
DATED 12.02.2024 IN CRL MP(MD)NO.1434/24 IN
CRL OP(MD)NO.770/24.**

**FURTHER TIME GRANTED BY THIS COURT TO
COMPLY WITH THE CONDITION IMPOSED VIDE
ORDER DATED 18.01.2024 IN CRL.O.P.(MD)NO.770
OF 2024, IS EXTENDED FOR A PERIOD OF TWO
WEEKS FROM THE DATE OF RECEIPT OF
AMENDED COPY OF THIS ORDER.**

/ TRUE COPY /

/02/2024

Sub-Assistant Registrar
(C.S.I /II /III /IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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TO

TO BE SUBSTITUTED WITH THE ORDER DATED 18/01/2024 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-821[I] dated 19/01/2024)

ORDER

IN

CRL OP(MD) No.770 of 2024

Date :18/01/2024

PKP/JGB/SAR /23.01.2024/ 5P/ 6C

SJI

SS/VR/SAR /19.02.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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