



CRL OP(MD) No.887 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Nineteenth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.887 of 2024

VALLIMAYIL @ VALLIYAMMAL ... PETITIONER/ ACCUSED (NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
EMANESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR.NO.112/2023

... 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 OF CR.P.C.

PRAYER :

FOR ANTICIPATORY BAIL IN CR.NO.112/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for
the alleged offence under Section 379 of IPC, in Crime No.112 of 2023, on the file of



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the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that during the temple festival, the petitioner stolen 16 ½ sovereigns of gold from the de-facto complainant. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and the stolen articles were recovered from A1 and she has been falsely implicated in this case. He would further submit that the co-accused was already enlarged on bail and hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that apart from this case, the petitioner is having one previous case and hence, he strongly opposed to grant anticipatory bail to the petitioner. However, he fairly conceded that the stolen articles were recovered from A1 and the co-accused was already enlarged on bail.

5.Considering the facts and circumstances of the case and also considering the facts that the stolen articles were recovered and the co-accused was enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioner 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



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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 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 petitioner shall report before the Inspector of Police, All Women Police Station, Ramanathapuram District, daily at 10.30 a.m., until further orders;

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

(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



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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;

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

sd/-

19/01/2024

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/01/2024

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

TO

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.

COPY TO

THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
RAMANATHAPURAM DISTRICT.

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-822[I] dated 19/01/2024)



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ORDER IN
CRL OP(MD) No.887 of 2024
Date :19/01/2024

RS/JGB/SAR-(23.01.2024) 5P 7C
Madurai Bench of Madras High Court is issuing
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