



CRL OP(MD). No.17378 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2024

PRESENT

The Hon`ble Mr.Justice K. RAJASEKAR

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Poornakala

... Petitioner/ Accused rank not known

Vs

The State rep.by

The Inspector of Police,

East Police Station,

Thanjavur District.

Crime No. Not known /2024.

... Respondent/Complainant

For Petitioner : Mr.P.Edin Brough
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. Not known of 2024 on the file of the
respondent police



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ORDER: The Court made the following order :-

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The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 316(ii) and 351(ii and iii) of BNS, Act, in Crime.No.Not known of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein, who is the close relative of the defacto complainant and has stolen 10 sovereigns of gold jewels and refused to return the same. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and she has not committed any offence as alleged by the prosecution and her name has been falsely implicated in this case and he prays for granting anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that for the very same issue earlier the defacto complainant has given a complaint and the same was closed after conducting enquiry. He would further submit that it is a second complaint and the petition enquiry is pending in



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CSR.No.466 of 2024 on the file of the respondent Police.

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5. On perusal of the complaint it is seen that when the petitioner was in home of the defacto complainant, she had come and requested to lend her gold Aaram for wearing it for some period and the defacto complainant has shown the same to her and went to drop the children to school and informed her to kept it in jewel box. After two days, she came to know that the said jewel is missing and hence, she has given a complaint.

6. Considering the facts and circumstances of the case, the relationship between the parties and the fact that the petition enquiry is pending, I am inclined to enlarge petitioner on anticipatory bail with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thanjavur on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction



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of the learned Magistrate concerned and on further conditions that:

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

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation;

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

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

(e) 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;



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

sd/-
09/10/2024

/ TRUE COPY /

/10/2024

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

TRP
TO

1 THE JUDICIAL MAGISTRATE NO.I
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
EAST POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.P.EDIN BROUGH, Advocate (SR-12339[I] dated 09/10/2024)

ORDER
IN

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Date :09/10/2024

SS/VR/SAR- /16/10/2024/5P/6C

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