



CRL OP(MD) No.20000 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.20000 of 2023

KAVITHA PRIYA

... PETITIONER/SOLE ACCUSED

Vs

1.THE INSPECTOR OF POLICE
THENKARAI POLICE STATION,
THENI DISTRICT.
(CRIME NO.413/2023)

... RESPONDENT/COMPLAINANT

2.AHAMED YASHMIN PARVIN

...INTERVENER/DEFACTO
COMPLAINANT
IN CRL MP(MD)No.16375 of 2023

For Petitioner : M/S.MUNIYANDI S Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

For Intervener : MR.BAZEERDEEN, Advocate

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.413/2023 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

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The petitioner / Sole Accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 420 and 506(i) of I.P.C. in Crime No.413 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the the petitioner and the defacto complainant's husband were doing business in the premises owned by the defacto complainant's husband. In view of the above said relationship, the petitioner had received some amount, jewels, cell phone, Laptop and other valuable articles from the defacto complainant's husband. But the petitioner refused to return the same. Due to which, a wordy quarrel arose between them and the petitioner attacked the defacto complainant's husband and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that during the pendency of this petition, there was an amicable settlement between the petitioner and the defacto complainant and thereby, some valuable articles were returned to the defacto complainant. Hence, he prays for grant of anticipatory bail.



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4. The learned counsel appearing for the defacto complainant / intervener would submit that though the petitioner had handed over some valuable articles to the defacto complainant, he did not hand over some amount and eight sovereigns of gold to the defacto complainant.

5. The learned Government Advocate (Criminal Side) appearing for the respondent Police would submit that the investigation is going on.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioner was doing business with the defacto complainant herein and also considering the fact that there was money transaction between both of them and also considering the fact that the valuable articles were already handed over to the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he 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, Periyakulam, 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



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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 respondent police as and when required for interrogation;

(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 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;



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

sd/-
10/01/2024

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/01/2024

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

TSG

TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 3.THE INSPECTOR OF POLICE
THENKARAI POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-486[I] dated 10/01/2024)

ORDER
IN
CRL OP(MD) No.20000 of 2023
Date :10/01/2024

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

Madurai Bench of Madras High Court is issuing certified copies in this format from
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