



CRL OP(MD). No.20202 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.20202 of 2024

1. Sugapriya

2. Manobalan

... Petitioners/ Accused No.1 & 2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Chinnamannur Police Station,
Theni District,
In Crime No. 334 of 2024.

... Respondent/Complainant

For Petitioner : Mr.J. Senthil Kumaraiah, Advocate

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

For Intervenor : Mr.C.Iyyapparaj, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 334 of 2024 on the file of the Respondent police.



CRL OP(MD). No.20202 of 2024

ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 305 of BNS (hereinafter referred to as new penal code) in Crime No.334 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the neighbors of the defacto complainant. They befriended the defacto complainant, who is aged about 65 years. The petitioners used to visit the house of the defacto complainant regularly. On 20.07.2024, the defacto complainant and his wife went for attending a function and at which point of time, the wife of the defacto complainant was wearing gold jewelry. On returning back, those gold jewels were kept in a drawer. Thereafter, from 20.07.2024 till 16.08.2024 except the petitioners, no one had entered the house. While so, on 16.08.2024, the gold jewelry was missing from the house. Hence the complaint came to be given before the respondent police.

3.The learned Counsel appearing for the petitioners submitted that the entire complaint has been given merely based on suspension and that the petitioners have already attended the enquiry that was conducted by the respondent police and had taken a stand they have nothing to do with the alleged offence.

4.The learned Counsel appearing for the intervenor submitted that for the



CRL OP(MD). No.20202 of 2024

period from 20.07.2024 to 16.08.2024, except the petitioners, no one else came to the house of the defacto complainant. Hence, when the jewelry was found missing, it is reasonable to suspect that it is only the petitioners, who had taken away the gold jewelry. The learned Counsel further submitted that this case requires custodial interrogation.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioners were initially granted anticipatory bail by the Sessions Court, Theni by order dated 21.09.2024. Subsequently, the defacto complainant filed a petition for cancellation of anticipatory bail before this Court. This Court by order, dated 14.11.2024 made in Crl.O.P(MD)No.16605 of 2024 cancelled the anticipatory bail granted by the Court below on the ground that the earlier anticipatory bail was dismissed on merits and without there being any change in circumstances, the subsequent anticipatory bail was allowed within the span of 19 days. He further submitted that after the anticipatory bail was cancelled, the petitioners have chosen to file a fresh anticipatory bail petition before this Court.

6. This Court has carefully considered the submissions made on either side and the materials available on record. In the case in hand, the gold jewelry belonging to the defacto complainant is missing. The petitioners are the neighbors of the defacto complainant and hence the finger of suspicion is now pointed at the petitioners.



CRL OP(MD). No.20202 of 2024

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Therefore, for the present, the petitioners are the suspects, who are alleged to have stolen the gold jewelry. In the view of the same, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is ordered and the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners 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.

[c] the second petitioner shall appear before the respondent police every day at 10.30 am for a period of three weeks and thereafter, as and when required for interrogation and the first petitioner shall appear before the respondent police as and when required for interrogation.



CRL OP(MD). No.20202 of 2024

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
21/11/2024

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/ 12 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO
1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.



CRL OP(MD). No.20202 of 2024

3. THE INSPECTOR OF POLICE,
CHINNAMANNUR POLICE STATION,
THENI DISTRICT,

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

+1 CC to M/s.J.SENTHIL KUMARAISHI, Advocate (SR-14362[I] dated 21/11/2024)

ORDER
IN
CRL OP(MD) No.20202 of 2024
Date :21/11/2024

PSP/ VR /SAR /05.12.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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