



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

Tuesday, the Twenty Third day of December Two Thousand Fourteen

PRESENT

The Hon`ble Mr Justice G.CHOCKALINGAM

CRL OP (MD) No.11823 of 2014

1 K.S. KRISHNAN

2 N. USHA

..PETITIONERS/ACCUSED 1 & 2

NARAYANAN

..INTERVENOR

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

PUDUKKOTTAI TOWN POLICE STATION,

PUDUKKOTTAI.

CRIME NO.100/2014

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.VELLAICHAMY, Advocate

For Respondent : Mr.P.KANNIDEVAN, Government Advocate (Crl.Side)

For Intervenor : Mr.K.BAALASUNDHARAM, Advocate

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

ORDER : The Court Made the following order :-

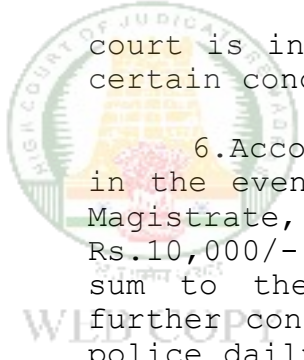
The petitioners, who are arrayed as A1 and A2 apprehend arrest at the hands of the respondent police for the alleged offence punishable under sections 294(b), 352, 506(i) and 420 of IPC in Crime No.100 of 2014, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that A1 approached the de-facto complainant for the sale of his property and the de-facto complainant arranged some purchasers and received advance amount and on 03.01.2014, the first petitioner executed a Power of Attorney in favour of the de-facto complainant and in which, the 2nd petitioner is the attesting witness and thereafter, when the de-facto complainant requested the petitioners to clean the property, the petitioners along with the other accused persons abused the de-facto complainant and also threatened the de-facto complainant with dire consequences.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that since, the 1st petitioner was arrested and released on bail by the trial court, he not-pressed the petition in respect of the 1st petitioner on 17.12.2014 and the 2nd petitioner is the wife of the 1st petitioner and she has no way connected with the alleged occurrence and she is only the attesting witness to the alleged document.

4.Heard the learned Government Advocate (Criminal side) appearing for the respondent as well as the learned counsel appearing for the intervenor and he has strongly opposed this petition.

5.Considering the facts and circumstances of the case and also considering the fact that A1 was arrested and released on bail by the trial court and the 2nd petitioner is only the attesting witness, this



court is inclined to grant anticipatory bail to the 2nd petitioner with certain conditions.

6. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Pudukottai and on her executing 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 learned Magistrate concerned and on further condition that 2nd petitioner shall appear before the respondent police daily at 10.30 a.m. for a period of one week and thereafter as and when required. The 2nd petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The 2nd petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
23/12/2014

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, PUDUKOTTAI.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI.

3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, PUDUKKOTTAI TOWN POLICE STATION, PUDUKKOTTAI.

+1. CC to M/S.S. VELLAICHAMY, Advocate SR.No.68872

ORDER IN

CRL OP(MD) No.11823 of 2014

Date : 23/12/2014

PBK 29/12/2014 :: 2P-6C: