

Crl.O.P.No.14276 of 2015

<i>Reserved on</i>	<i>Pronounced on</i>
18-12-2015	22-12-2015

P.N.PRAKASH, J.

This petition is filed by the in-law of the defacto complainant Sathya. P.V.Rajendran, first petitioner is the father-in-law of Sathya; R.Vedhanayaki, second petitioner is the mother-in-law of Sathya; and P.V.R.Vivek Vengadaraman, third petitioner is the brother in law of Sathya.

2. The allegation against these petitioners is that they had misappropriated the amounts from LIC that was due to the defacto complainant Sathya, after the death of her husband Vijayvenkatraman.

3. During the course of arguments this Court felt that a rapprochement should be brought between the defacto complainant and her in-laws, and therefore requested Mr.I.Subramaniam, learned Senior Counsel appearing for P.V.Rajendran, and Mr.V.Gopinathan, learned Senior Counsel appearing for the defacto complainant Sathya to sit together and arrive at a settlement in the interest and welfare of the three children of Sathya and Vijayvenkatraman.

4. Pursuant to the efforts of the learned Senior Counsel, an affidavit dated 18.12.2015 has been filed by P.V.Rajendran, wherein paragraphs 6 and 8 read thus:

"6. I state that without going into the merits of the allegations made in the complaint, I voluntarily came forward to effect a settlement of a half-share in my bungalow at Anna Nagar, Chennai, of which I am the sole and absolute owner, in favour of my three grandchildren reserving life interest in favour of my daughter-in-law, in full quit of all the claims made by my daughter-in-law against me and my family. The half share in this property is worth over Rs.6 crores. The remaining half-share was to be settled in favour of my younger son who, as stated supra, is recently married.

8. I state that I am willing to go through with this settlement only to secure and protect the interests of my daughter-in-law and my three grandchildren, for whom I have great care and concern. My daughter-in-law and my three grandchildren continue to stay at my Anna Nagar bungalow and from where my grandchildren are going to school. Besides, I am also remitting Rs.1 lakh to my daughter-in-law every month without fail."

Of course, those terms are subject to Sathya withdrawing criminal cases against them, for which Mr.V.Gopinathan, learned Senior Counsel appearing for Sathya stated that she is not agreeable to it since it is her allegation that there are other assets of her husband, which her parents-in-law are sitting tight over.

5. Be that as it may, this Court is of the view that anticipatory bail may be granted to the petitioners herein, and accordingly this petition is allowed.

6. The petitioners are ordered to be released on 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 No.I, Salem on condition that:

(a) Each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned;

(b) the first petitioner alone shall report before the respondent police daily at 10.30 a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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)**.

7. Stay of investigation granted earlier in Cr.No.40 of 2015, stands vacated.

Index: Yes/No.

22-12-2015

vr

P.N. PRAKASH, J.

vr

Pre-Delivery Order in
Crl.O.P.No.14276 of 2015

Delivered on : 22-12-2015