

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

Monday, the Seventh day of September Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.14363 of 2015

R. VENKATESWARI

... PETITIONER/ ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

PUTHANATHAM POLICE STATION, MANAPARAI TK.,

TRICHY DT. CRIME NO.176/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.P.NARAYANA KUMAR Advocate

For Intervenor : A.THIYAGARAJAN, Advocate

For Respondent : M/S.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

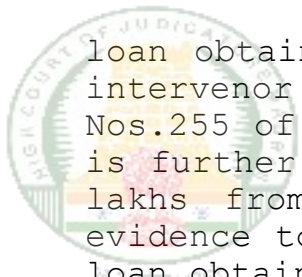
The petitioner, who is the sole accused, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 420 and 506(ii) of I.P.C., in Crime No.176 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. According to the de-facto complainant, the accused, by agreeing to sell her property for total sale consideration of Rs.47,50,000/-, had received Rs.14 lakhs, but subsequently neither executed a sale deed nor returned the advance amount.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and she has been falsely implicated in this case and even according to the de-facto complainant, it was only an oral agreement.

4. The learned counsel for the petitioner further submitted that the petitioner is a widow and working as a teacher and the de-facto complainant borrowed loan from her husband and repaid the loan amount of Rs.14 lakhs for which she issued a receipt on 03.06.2015. It is further submitted that without prejudice to her right, the petitioner is ready to furnish immovable property security for value of Rs.14 lakhs. The petitioner has also filed an affidavit of undertaking to that effect dated 04.09.2015.

5. The learned counsel for the intervenor vehemently opposed granting of anticipatory bail to the petitioner contending that the petitioner is a habitual offender and she received Rs.14 lakhs from the de-facto complainant on 03.06.2015 and remitted Rs.11,06,000/- (Eleven Lakhs and Six Thousand) in Indian Bank for the educational



loan obtained by her daughter Lavanya. The learned counsel for the intervenor produced a copy of the F.I.Rs. registered in Crime Nos.255 of 2015 and 275 of 2015 to substantiate his contentions. It is further submitted that the accused has admitted receipt of Rs.14 lakhs from the de-facto complainant, but failed to produce any evidence to show that the amount was given towards repayment of the loan obtained by the def-acto complainant.

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6. Heard the learned Government Advocate (Crl.side).

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of her arrest or on her appearance before the learned Judicial Magistrate, Manapparai 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 either the petitioner shall furnish immovable property security for value of Rs.14 lakhs by submitting the original documents of the property in dispute situated in Survey No.174/3 to an extent of 6 cents and the petitioner shall appear before the respondent police as and when required. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The 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/-

07/09/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,MANAPPARAI.

2.THE CHIEF JUDICIAL MAGISTRATE TRICHY.

3.THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT,MADURAI

4.THE INSPECTOR OF POLICE

PUTHANATHAM POLICE STATION, MANAPARAI TK.,TRICHY DT.

+1. CC to M/S.K.P.NARAYANA KUMAR Advocate SR.No.52436

+1cc to Mr.A.Thiyagarajan,Advocate SR NO.53138

ORDER

IN

CRL OP(MD) No.14363 of 2015

Date :07/09/2015

RG.11.09.2015/GSV/PM/SAR-II 2P/7C.