



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

Friday, the Eighteenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.14741 of 2015

P.ARASI

... PETITIONER/ACCUSED No.II

Vs

THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
ARUPPUKOTTAI TOWN,
VIRUTHUNAGAR DISTRICT.
CR.NO.948/12.

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.M.THANGAPANDIAN ADVOCATE

FOR RESPONDENT : MR.K.ANBARASAN, GOVERNMENT ADVOCATE (CRL. SIDE)

FOR INTERVENOR : M/S.V.PERUMAL

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.2 in Crime No.948 of 2012 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420 and 379 of the Indian Penal Code and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the owner of the vehicle, namely, Tata Sumo bearing Registration No.TN 67 AB 6678. The petitioner and her husband sold the said vehicle to the defacto complainant and he paid a sum of Rs.2,02,500/- by cash and agreed to pay the balance amount of Rs.2,80,000/- to the finance company in monthly instalment. Subsequently, on 19.11.2011, the petitioner's son took the vehicle to Guruvayoor and that the driver of the vehicle preferred a complaint in the police station that original RC Book, Insurance policy, TV, DVD player and speaker were stolen. But on 25.02.2012, When the vehicle was in the stand, the petitioner's husband sold the vehicle by using duplicate key and hence, he preferred a complaint against the petitioner.

3.The case of the petitioner is that the petitioner is innocent and she has not committed any offence and the petitioner's husband issued a signed blank cheque and a promissory note and the petitioner issued a signed blank non judicial stamp papers to the defacto complainant, who misused the same and she has not committed any offence as alleged by the prosecution.

4.The learned counsel for the Intervenor submitted that the petitioner and her husband colluded together and cheated the defacto complainant and sold the vehicle to the third party. The defacto complainant gave a sum of Rs.2,02,500/- in cash and also agreed to pay



the balance amount of Rs.2,80,000/- in monthly instalment to the finance company for purchasing a vehicle and the petitioner's husband also actively involved.

5. Heard the learned Government Advocate (Criminal Side).

6. Considering the facts and circumstances of the case and also considering the fact that the vehicle is in the name of the petitioner and charges levelled against the petitioner, after receiving the amount from the defacto complainant by her husband, that she sold the vehicle to the third party, 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 arrest or on her appearance before the learned Judicial Magistrate, Aruppukkottai, Virudhunagar District and on 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 the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
18/12/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.
3. THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
ARUPPUKOTTAI TOWN,
VIRUTHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

- + 1 CC TO M/S.M.THANGAPANDIAN, ADVOCATE IN SR.NO. 72652
+ 1 CC TO MR.V.PERUMAL, ADVOCATE IN SR NO. 75576

ORDER
IN
CRL OP (MD) No.14741 of 2015
Date :18/12/2015