



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

Thursday, the Third day of December Two Thousand Fifteen

PRESENT

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

CRL OP (MD) Nos.17971 & 17662 of 2015

M.CHELLAMANI ... PETITIONER/ACCUSED A4
IN CRL.OP (MD) .No.17971/2015

A.CHANDRA ... PETITIONER/ACCUSED A2
IN CRL.OP (MD) .No.17662/2015

Vs

STATE REP BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR DISTRICT.
CR. NO. 01/2014. ... RESPONDENT/COMPLAINANT IN BOTH CASES

For Petitioner : MR.V.KATHIRVEL SENIOR COUNSEL for
M/S J.JEYAKUMARAN Advocate
(IN CRL.OP (MD) .No.17971/2015)

M/S.PORKODI KARNAN for M/S.POLAX LEGAL SOLUTIONS
(IN CRL.OP (MD) .No.17662/2015)

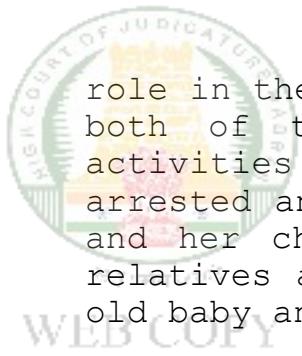
For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.2 & 4, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime No.1 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that A1 Satheeskumar promised to get job in this Court and collected various amounts from the defacto complainant and 38 others for getting job and he has collected 52,77,000/-. The second accused is the wife of the first accused. The accused Nos.1 & 2 are the practicing Advocate before this Court. A1 was arrested on the complaint given by the defacto complainant.



role in the transaction done by her husband/A1. Due to some dispute, both of them are living separately. Because of the notorious activities of the first accused, the petitioner's brother was arrested and none of the relatives are ready to give asylum to her and her child. The petitioner had lost her savings, reputations, relatives and source of income. The petitioner is having three year old baby and she has not committed any offence.

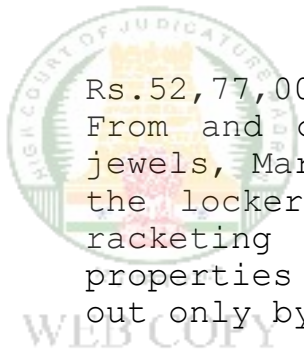
4.The learned counsel for the petitioner relied on the Judgment reported in **(1980) 2 Supreme Court Cases 565 (Shri Gurbaksh Singh Sibbia and others vs. State of Punjab)** and paragraph 31 of the judgment reads as follows:-

"31... The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in *The State v. Captain Jagjit Singh*, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail. "

5.The learned Senior counsel appearing for the petitioner in CrI.O.P.(MD)No.17971 of 2015 submitted that the petitioner is an innocent person and she is nothing to do with the commission of the offence as alleged by the prosecution and her name is not mentioned in the FIR and she was arrayed as accused No.4 based on the confession given by the first accused.

6.The learned Senior counsel further submitted that the petitioner has not committed any offence as alleged by the prosecution. The petitioner was not arrayed as accused in FIR. She was implicated only on 11.03.2015 based on the confession made by A1. In the circumstances the respondent police, should have framed separate charges under Section 201 of IPC, which is bailable offence.

7.The learned Government Advocate (CrI.side) submitted that the Accused Nos.1 & 2 are the husband and wife and they are practicing Advocate before this Court. The first accused has stated that he is a relative and close to one of the Judge of this Court and received



Rs.52,77,000/- from 39 persons promising to get job in this Court. From and out of that money, A2 purchased 60 sovereigns of gold jewels, Maruti Car and purchased the property. A2 kept the jewels in the locker of fourth accused and A2 and A4 are involved in job racketing and the investigation is pending, the jewels and other properties are to be recovered and their involvement can be found out only by the custodial interrogation.

8.He further submitted that this is the third application for anticipatory bail in Crl.O.P.(MD)No.17662 of 2015 and earlier one petition was dismissed and another petition was dismissed as withdrawn. The petitioner in Crl.O.P(MD)No.17971 of 2015 has already filed three petitions and out of three petitions, two petitions were dismissed as withdrawn and one petition was dismissed and this is the fourth application for anticipatory bail.

9.The contention of the learned Senior counsel that the petitioner in Crl.O.P.No.17971 of 2015 can be charged only under Section 201 of IPC is untenable. The contention of prosecution is that she is actively involved in commission of offence and in collusion with A2 purchased properties and jewels out of the money obtained. The properties are yet to be recovered.

10.Considering the facts and circumstances of the case and also considering the gravity of the offence and this Court has already dismissed the anticipatory bail filed by these petitioners after considering the reasons given by petitioners in detail and there is no change in circumstances, I am not inclined to grant anticipatory bail to the petitioners. Hence, this petition is dismissed.

sd/-

03/12/2015

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

TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR DISTRICT

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

+1. CC to M/S J.JEYAKUMARAN Advocate SR.No.69491
+1cc to M/s.POLAX LEGAAL SOLUTIONS, Advocate Sr.No.69275

ORDER

IN

CRL OP(MD) No.17971 & 17662 of 2015

Date :03/12/2015