



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

Tuesday, the Twenty Seventh day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.17988 of 2015

VISHNU PRASAD

... PETITIONER / ACCUSED No.6

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
CANTONMENT,
TRICHY DISTRICT.
CRIME NO. 20/2015

... RESPONDENT / COMPLAINANT

SENTHILARASU

... PETITIONER/INTERVENER.

For Petitioner : M/S M.LAJAPATHI ROY Advocate

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

For Intervenor : Mr.V.Illanchezian, Advocate,

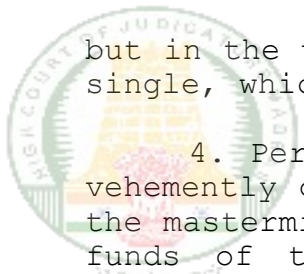
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.6, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 417, 420, 464, 465, 474, 476, 497, 506(i) r/w. Section 109 of I.P.C., in Crime No.20 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant that he married the first accused on 10.10.2004 and in the year 2009, both had gone to Australia to pursue their higher studies and based on the relationship, the de-facto complainant has spent more than Rs.70 lakhs to the accused 1 to 5 and subsequently, he came to know that the first accused by giving a false address, obtained an ex-parte decree of divorce on 14.03.2006 and it is further alleged that the first accused is now under the custody of the sixth accused, as she was enticed him.

3. The learned counsel for the petitioner submitted that the petitioner / A6 is nothing to do with the allegations made against the accused 1 to 5 and even as per the averments in the complaint, the entire money of Rs.70 lakhs was spent by the de-facto complainant to the accused 1 to 5. The learned counsel for the petitioner further submitted that the 6th accused is a fellow student of the first accused and the de-facto complainant more than that, he does not have any relationship with them and that the de-facto complainant has alleged in the complaint that he was not aware of the ex-parte decree passed against him on 14.03.2006,



but in the visa application dated 30.01.2012, he has stated his status as single, which goes contra to the allegations made in the complaint.

4. Per contra, Mr.V.Ilanchezian, learned counsel for the intervenor vehemently opposed the bail petition contending that the petitioner/A6 is the mastermind and he is a root cause for all the misappropriation of the funds of the de-facto complainant. The 6th accused helped the first accused to obtain ex-parte decree in the year 2006 and the sixth accused has only arranged loan for the higher education and after the de-facto complainant met with an accident, he returned to India and the first accused is now under the custody of the sixth accused. It is further submitted that the sixth accused has utilised the entire money of Rs.70 lakhs of the de-facto complainant and he is the beneficiary and therefore, he is not entitled for anticipatory bail. The learned counsel further submitted that the de-facto complainant has filed an application to set aside the ex-parte decree passed in Special Marriage Original Petition No.8 of 2005. Since the first accused is in Australia, the sixth accused / petitioner may leave India at any time to join with the first accused.

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

6. 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 his arrest or on his appearance before the learned Judicial Magistrate No.I, Trichy and on his 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 daily at 10.00 a.m. until further orders and the petitioner shall not leave India without permission of the Court. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-
27/10/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.1
TRICHY
- 2 DO THRO THE CHEIF JUDICIAL MAGISTRATE, TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE, CITY CRIME BRANCH, CANTONMENT, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S A.V.RAJASEKARAN Advocate SR.No.62671.
+1CC to Mr.V.Illachezian, Advocate, SR.No. 62815.

ORDER
IN
CRL OP(MD) No.17988 of 2015
Date :27/10/2015