



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

Thursday, the Fifth day of November Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.19993 and 19995 of 2015

1 SELVAM
2 SHANTHI

... PETITIONERS / ACCUSED No.2 & 3
IN CRL OP(MD) No.19993 of 2015

S.KALAIYARASI

...PETITIONERS / ACCUSED No.1
IN CRL OP(MD) No.19995 of 2015

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIRUVERAMBUR POLICE STATION,
TRICHY DISTRICT.

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : M/S T.SENTHIL KUMAR Advocate IN BOTH PETITIONS

For Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

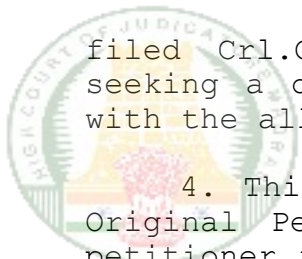
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.(MD)No.19993 of 2015, who are arrayed as A2 and A3 and the petitioner in Crl.O.P.(MD)No.19995 of 2015, who is arrayed as A1, apprehending arrest at the hands of the respondent police, for the alleged commission of offences punishable under Sections 420, 477 (A), 294(b), 408 and 506(i) I.P.C., in Crime No.508 of 2015, on the file of the respondent police, seek anticipatory bail. The alleged occurrence is said to have been taken place on 24.11.2014.

2. The case of the prosecution is that the petitioners' daughter/A1 viz., S.Kalaiyarasi, who is the petitioner in Crl.O.P.(MD) No.19995 of 2015, misappropriated a sum of Rs.13,00,000/- with the help of the petitioners in Crl.O.P.(MD) No.19993 of 2015, A2 and A3, while she was working as Clerk under the de-facto complainant, who is a Stamp Vendor, having Office near Thiruverambur Sub-Registrar Office, Trichy.

3. The case of the petitioners is that the complaint is a false one. According to the petitioners, the de-facto complainant has given a complaint stating that the petitioners have misappropriated a sum of Rs.13,00,000/- on 24.11.2014. Based on the said complaint, the respondent police enquired with the petitioners. When the said complaint was pending, the petitioner in Crl.O.P.(MD) No.19995 of 2015, A1, has



filed Crl.O.P.(MD) No.22433 of 2014, under Section 482 of Cr.P.C., seeking a direction to the respondent, not to harass her in connection with the alleged complaint given by one Mrs.Selvarani.

4. This Court, by order dated 12.12.2014, closed the said Criminal Original Petition, directing the respondent police not to harass the petitioner under the guise of enquiry and also to follow the dictum laid down by the Hon'ble Apex Court in D.K.Basu Vs. State of West Bengal reported in AIR 1997 SC 610. Subsequently, the respondent police conducted an enquiry and closed the petition enquiry. Thereafter, another complaint was given in the year 2015 and the petitioner in Crl.O.P.(MD) No.19995 of 2015 received summons from the Inspector of Police, District Crime Branch, Trichy District, to appear for enquiry on 07.02.2015. The enquiry was conducted and it was closed. Subsequent to that, the de-facto complainant has filed private complaint and the learned Judicial Magistrate No.VI, Trichy, directed the respondent police to register a case and enquire into the matter.

5. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

6. The learned Government Advocate (Crl. side) submitted that as per directions of the learned Judicial Magistrate No.VI, Trichy, a case was registered and the investigation is pending.

7. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.VI, Trichy, and on each of them 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 petitioners shall report before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8. 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 petitions for anticipatory bail stand dismissed.

sd/-

05/11/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI, TRICHY
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT
- 3 THE INSEPECTOR OF POLICE, THIRUVERAMBUR POLICE STATION, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+2. CC to M/S T.SENTHIL KUMAR Advocate SR.No.65255 AND 65254.

ORDER

IN

CRL OP (MD) No.19993 and 19995 of 2015

Date : 05/11/2015