



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

Monday, the Sixteenth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP(MD) No.2632 of 2015

WEB COPY

F.ALIZ MARY

... PETITIONER/ACCUSED NO.2

Vs

STATE.REP.BY

THE INSPECTOR OF POLICE

THOOTHUKUDI CENTRAL POLICE STATION,

THOOTHUKUDI, THOOTHUKUDI DISTRICT.

(CR.NO.448 OF 2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A. THIRUVADI KUMAR Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 406 and 420 IPC in Crime No.448 of 2014 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

3. It is seen that this Court has granted anticipatory bail to Suriya Moorthy (A1) by a well considered order in Cr.O.P.No.16077 of 2014 dated 04.02.2015.

4. It is the case of the prosecution is that one Suriyamoorthy was running Finance Company from where the defacto complainant had obtained a jewel loan of Rs.85,000/- on 6.7.2005, after pledging her jewels. Subsequently also, the defacto complainant needed more money and so she approached the said Suriyamoorthy and gave her immovable property as security on 20.12.2006 and obtained a loan of Rs.5 lakhs with interest at the rate of 1.5% It is alleged by the defacto complainant that she had paid principal and interest to the said Suriyamoorthy in spite of which the said Suriyamoorthy has alienated the property by executing a sale deed in favour of his wife Shanthi on 30.07.2009. This petitioner has purchased the property from Shanthi two years later on 27.01.2011.

5. Since the petitioner is a bonafide purchaser, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Thoothukudi, on condition that each of the petitioner shall execute 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 respondent



police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall appear before the respondent police as and when required.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl.side) as to whether the petitioners are complying with the order or not.

sd/-

16/02/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, TUTCORIN.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.

3 THE INSPECTOR OF POLICE
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A. THIRUVADI KUMAR Advocate SR.No.7222

ORDER

IN

CRL OP(MD) No.2632 of 2015

Date :16/02/2015

PA/17.02.15/2P/6C