



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

Tuesday, the First day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.6874 of 2015

1 DHANALAKSHMI
2 VIJAYALAKSHMI
3 VARATHARAJAN
4 RADHAKRISHNAN

... PETITIONERS/ACCUSED 1 to 4

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
SOUTH POLICE STATION,
THANJAVUR DISTRICT.
IN CRIME NO.187 OF 2014.

... RESPONDENT/COMPLAINANT

LAKSHMI

..INTERVENOR

For Petitioners : M/S.A.ARUN PRASAD Advocate

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

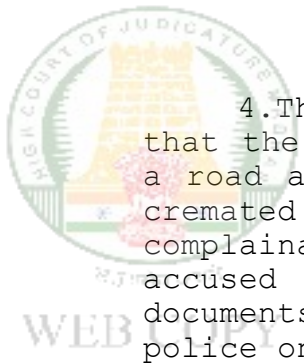
For Intervenor : MR.K.K.SENTHIL, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 380 and 506(i) of IPC, in Crime No.187 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the daughter-in-law of A1 and her husband died in aboard. Now, the allegation is that the husband of the de-facto complainant had purchased property in his name, but the accused had stolen the original document relating to that property.

3.Considering the facts of the case, this court granted interim anticipatory bail to the petitioners 1, 3 and 4 on 19.08.2014 and referred the matter to the Mediation and Conciliation Centre to explore the possibility of settlement. It is seen that the interim anticipatory bail granted to the petitioners 1, 3 and 4 was cancelled on 25.11.2014 on the ground that the petitioners have not extended their cooperation to settle the dispute with the de-facto complainant.



4.The learned counsel appearing for the petitioners submitted that the husband of the de-facto complainant died in Saudi Arabia in a road accident on 24.05.2014 and his body was brought to India and cremated on 20.06.2014 and after 16th day ceremony, the de-facto complainant has preferred a complaint on 30.07.2014 alleging that the accused have broke open the bureau and taken away the original documents and her articles. This complaint was registered by the police on 19.09.2014.

5.The learned counsel further submitted that the de-facto complainant has received Rs.32,00,000/- from the Government of Saudi Arabia for the death of her husband and she is likely to be awarded one Crore in the case filed for claiming compensation and the petitioners have given consent to the de-facto complainant, dated 17.05.2015 authorising her to receive the entire amount.

6.The learned counsel further submitted that though the petitioners have right to claim share from the compensation amount, they have given up their right and they will not make any claim in the award. The learned counsel has also produced the copy of the General Power of Attorney executed in favour of the de-facto complainant authorising her to receive the entire monetary benefits for the death of her husband in Saudi Arabia. It is further submitted that the learned counsel seeks permission of this court to withdraw this petition in respect of the 2nd petitioner and he has also made an endorsement to that effect.

7.Per contra, Mr.K.K.Senthil, learned counsel appearing for the intervenor vehemently opposed the anticipatory bail petition contending that after demise of the husband of the de-facto complainant, she was left in lurch along with her two children, who are aged about 5 and 3 years respectively and A1 had instituted a suit in O.S.No.104 of 2014 against the de-facto complainant claiming partition in the property, for which the de-facto complainant has filed a written statement stating that some of the joint family properties were not included in the suit property.

8.It is further submitted that when the suit was ripe for trial, A1 left it for dismissal with a view to see that the de-facto complainant and her children did not receive any share during their life time. It is further submitted that the earlier application was dismissed on the only ground that the accused have not extended their co-operation to appear before the Mediation and Conciliation Centre as per the direction of this court and therefore, they are not entitled to any indulgence by this court.

9.Both the learned counsel for the petitioners as well as the learned counsel for the intervenor submitted that after dismissal of the earlier applications, the parties have appeared before the respondent with their respective counsel and made vain attempts to divide the properties and solve the issues.

10.The learned counsel for the petitioners further submitted that the petitioners had insisted the de-facto complainant that the share of the minors should not be sold till they attain majority, which was not accepted by the de-facto complainant. It is further submitted that in respect of the property at Thanjavur and a house plot at



Chennai, the accused wanted to take any one of the properties, for which also the de-facto complainant was not agreeable.

11. Heard the learned Government Advocate (Criminal side) appearing for the respondent.

12. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 1, 3 and 4 with certain conditions. In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn as against the 2nd petitioner.

13. Accordingly, the petitioners 1, 3 and 4 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.II, Thanjavur 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 1, 3 and 4 shall appear before the respondent police daily at 10.00 a.m until further orders. The petitioners 1, 3 and 4 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

14. The petitioners 1, 3 and 4 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/-
01/09/2015

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.II
THANJAVUR.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM.

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

4 THE INSPECTOR OF POLICE
SOUTH POLICE STATION, THANJAVUR DIST.

+1cc to M/S.A.ARUN PRASAD Advocate SR.No.51193
+1cc to MR.K.K.SENTHIL, Advocate SR.No.51507

Akm/11.09.2015 /3p-7c/

ORDER
IN
CRL OP (MD) No.6874 of 2015
Date :01/09/2015