



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Thirtieth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.9319 of 2014

WEB COPY

1 C.JOTHIVEL

2 J.JEYANTHI

...PETITIONERS/ACCUSED NOS.1&2

R.R.PARTHIBAN

...INTERVENOR

Vs.

THE STATE REP BY

THE INSEPCTOR OF POLICE

SOUTH POLICE STATION, THOOTHUKUDI ,

CRIME NO.395/2014

...RESPONDENT/COMPLAINANT

For Petitioner : M/S. N.MOHIDEEN BASHA Advocate

For Intervenor : M/S.A.THIRUVADIKUMAR, Advocate

For Respondent : Mr.C.RAMESH, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

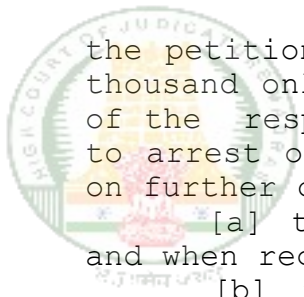
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 380(NH) IPC in Crime No.395 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners, the learned counsel for the intervenor and the learned Additional Public Prosecutor appearing for the State.

3. Earlier, this court referred the matter to the Mediation Centre for bringing about settlement between the parties. Mediation Centre has sent a failure report dated 04.07.2014. Jeyanthi (A2)/2nd Petition is the own blood sister of the defacto complainant and Johtivel (A1)/1st Petition is the husband of Jeyanthi. It is the case of the defacto complainant that his father late Rajesekaran has left all Jewellery and after his death, it was being enjoyed by his mother by name Kamala. It is alleged by the defacto complainant that his mother Kamala was not of sound mental disposition and taking advantage of it, these petitioners have taken away some property documents, gold jewelery and Innova car. Even according to the Intervenor, initially a complaint was lodged before the respondent Police on 09.03.2014 and again a fresh complaint was lodged on 25.03.2014, for which the present FIR has been registered on 13.05.2014.

4. Learned counsel for the petitioners brought to my notice the statement of Kamala recorded by Police on 18.03.2014 in which she was stated that she is of sound health and since her son is not taking care of her, she is forced to take refuge with her daughter.

5. On conspectus of the facts obtaining in this case, this dispute essentially appears to a quarrel between siblings. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. 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.I, 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 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 report before the respondent police as and when required for interrogation.

[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]**.

sd/-

30/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, NO.I, THOOTHUKUDI

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

3 THE INSEPCTOR OF POLICE, SOUTH POLICE STATION, THOOTHUKUDI.

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

+1. CC to M/S. N.MOHIDEEN BASHA Advocate SR.No.4599

ORDER IN

CRL OP(MD) No.9319 of 2014

Date :30/01/2015

PBK 03/02/2015 ::2P-6C: