



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

Tuesday, the Twenty Eighth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10465 of 2016

1 IYYAPPANPILLAI
2 ARUMUGAN
3 JOTHI IYYAPPANPILLAI
4 SUJITHA KUMARI

... PETITIONERS/ACCUSED NOS.1 TO 4

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGERCOIL,
(CRIME NO.9/2016)

... RESPONDENT/ COMPLAINANT

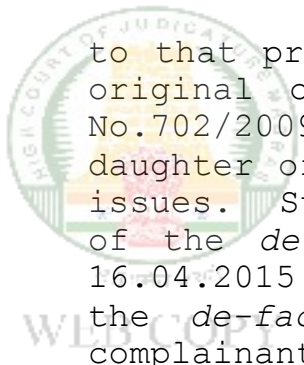
For Petitioner : M/S B.PRAHALAD RAVI Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 4 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.9 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the daughter of the *de-facto* complainant and the second petitioner was solemnized on 07.05.2009. At the time of marriage, the first petitioner demanded 100 sovereigns of gold jewels, a sum of Rs.2,00,000/- and other household articles and a house worth about Rs.10,00,000/-. While so, the *de-facto* complainant gave 125 sovereigns of gold jewels and silver articles worth about Rs.3,00,000/- to her daughter at the time of marriage and agreed to execute the gift deed after the marriage. Thereafter, betrothal was conducted on 08.02.2009. Before 40 days of the marriage, the first petitioner demanded the *de-facto* complainant to execute a sale deed for the property in question, where the *de-facto* complainant is residing, as dowry, failing which, they will stop the marriage. Due



to that pressure, the wife of the *de-facto* complainant, who is the original owner of the property in question, executed Gift Deed No.702/2009, dated 21.04.2009, in favour of her daughter and the daughter of the *de-fatco* complainant died on 16.09.2014 without any issues. Subsequently, the said Gift Deed was cancelled by the wife of the *de-facto* complainant, bearing Document No.721/2015, dated 16.04.2015 and now, all the records stand in the name of the wife of the *de-facto* complainant. When the daughter of the *de-facto* complainant was alive, the first petitioner created a rental agreement with the fourth petitioner on 23.08.2014 and received a sum of Rs.2,00,000/- as advance and received Rs.8,000/- per month as rent and also arranged second marriage to his son/second petitioner. They did not return the jewels and household articles given by the *de-facto* complainant to his daughter. When the same was questioned by the *de-facto* complainant, the petitioners threatened him with dire consequences. On complaint, case has been registered for the offences stated above.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. The *de facto* complainant is the father-in-law of the second petitioner and his wife settled the property to her daughter. The second petitioner and his deceased wife let out the said property to the fourth petitioner. After the death of their daughter, the *de facto* complainant and his wife cancelled the settlement deed suppressing the fact that already their daughter died. The second petitioner filed a writ petition challenging the cancellation of settlement deed and filed a petition before the District Registrar, Tirunelveli and both writ petition and petition before the District Registrar, Tirunelveli are pending.

4.The learned Government Advocate (Criminal side) submitted that on complaint, case has been registered and investigation is pending.

5.Considering the nature of allegation against the petitioners, custodial interrogation of the petitioners is not required and therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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, Nagercoil, Kanyakumari District, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners 1 and 2 shall report before the respondent Police daily at 10.30 a.m. until further orders and the third petitioners 3 and 4 shall report before the respondent police as and when required for interrogation;

- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.



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(iii) the petitioners shall not abscond either during investigation or trial.

(iv) 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-

28/06/2016

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

TO

1.THE JUDICIAL MAGISTRATE
NAGERCOIL
KANYAKUMARI DISTRICT

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

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

4.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGERCOIL,

+1. CC to M/S B.PRAHALAD RAVI Advocate SR.No.34026
RL/6C/2P/ARK/PV/SARII/4/7/2016

ORDER

IN

CRL OP(MD) No.10465 of 2016

Date :28/06/2016