



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

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

WEB COPY

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

CRL OP(MD) No.14601 of 2016

1 GANDHI
2 THENMOZHI

... PETITIONERS/ACCUSED 1&2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGUDI,
PUDUKKOTTAI DISTRICT.
CR. NO.8/2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.D.RAMESH KUMAR, ADVOCATE

FOR RESPONDENT : Mr.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 and 2, apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 120-B, 406, 420 and 506 (i) I.P.C., in Crime No.8 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 *de-facto* complainant and the son of the petitioners was solemnized on 10.02.2006. At the time of marriage, the parents of the *de-facto* complainant gave 90 sovereigns of gold jewels to the *de-facto* complainant, cash of Rs.10,50,000/-, Sridhana articles and 13 sovereigns of gold jewels to her husband, the son of the petitioners. Subsequently, the husband of the *de-facto* complainant committed suicide by hanging and now, all the jewels are with the petitioners and they have not returned the same to the *de-facto*



complainant. When the same was demanded by the *de-facto* complainant, the petitioners threatened her with dire consequences. On complaint, a case has been registered for the offences stated above.

3. The case of the petitioners is that after the marriage, both the *de-facto* complainant and the son of the petitioners were residing at Chennai. The petitioners' son committed suicide by hanging on 25.07.2012, but the complaint has been registered only on 09.08.2016. Totally, there are five accused in this case and the petitioners have been arrayed as A1 and A2. The *de-facto* complainant demanded some shares in the property belonging to the petitioners. The petitioners are willing to give share to the *de-facto* complainant, but she demanded huge share and prevented the petitioners to give the same to their daughter. Due to that, a dispute arose between them and a false complaint has given by the *de-facto* complainant against the petitioners.

4. The learned Government Advocate (Criminal side) submitted that on receiving the complaint, a case has been registered for the offences stated above and investigation is going on.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. 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, Alangudi, 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 first petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders and the second petitioner 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;
- (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.

WEB COPY

sd/-
12/08/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, ALANGUDI.
2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGUDI,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.D.RAMESH KUMAR Advocate SR.No. 44585

ORDER
IN
CRL OP(MD) No.14601 of 2016
Date :12/08/2016

SMN2
TE/SK-SKN/SAR-I : 17/08/2016 : 3P/6C