



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

Friday, the Ninth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22410 of 2016

1 VIJAYA

2 S.RAVI

... PETITIONERS / ACCUSED No.1 & 2

Vs

1 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MELUR ALL WOMEN POLICE STATION,
MADURAI

... 1st RESPONDENT / RESPONDENT

2 VIDYA

...2nd RESPONDENT /DEFACTO COMPLAINANT

(IMPLEAD AS PER ORDER OF THIS HONOURABLE
COURT MADE IN CRL MP(MD)NO.11965/16
IN CRL OP(MD)22410/16 DATED 1.12.16
BY SVNJ)

For Petitioner : M/S.N.SHANKAR GANESH Advocate

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

For Intervenor : Mr.C.JEGANATHAN , Advocate
for M/S VEERA ASSOCIATES for INVERVENOR

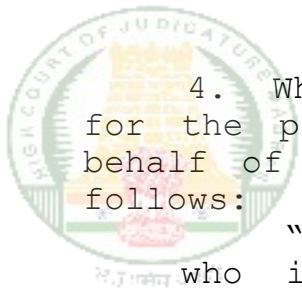
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 506(i) IPC in Cr.No.9 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel on either side, including the learned counsel for the Intervenor.

3. The case of the prosecution is that the defacto complainant is the daughter-in-law of the 1st petitioner and after the demise of the husband of the defacto complainant, she was not allowed to enter the matrimonial home, which was purchased in her name using the jewellery of the Intervenor / defacto complainant, which resulted in registration of the case.



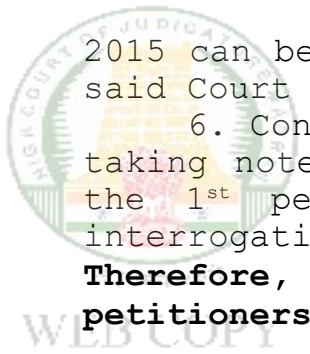
4. When the matter is taken up for hearing, learned counsel for the petitioners has filed an affidavit dated 05.12.2016 on behalf of the 1st petitioner, wherein it has been undertaken as follows:

"3. I submit that my daughter-in-law namely Vidhya who is the 2nd respondent herein had given a false complaint before the 1st respondent police and based on that complaint, now FIR has been registered. In the complaint, she stated that totally her parents had given 59 Sovereigns of Gold and during the marriage some of her relative are also presented some gold jewels to her husband hence, totally 89 Sovereigns of Gold. In the complaint itself she stated that by pledging some gold jewels in my name, a land has been bought in her name.

4. I submit that during the marriage and after marriage the 2nd respondent only had 50 Sovereigns of Gold alone and my self out of my own fund I had given 8 sovereigns of Thali Chain to the 2nd respondent that too still with the 2nd respondent. My son pledged all her jewels consisting of 50 Sovereigns of Gold in my name and bought a land property of 31 cents situated near Sarakundu in Melur High Road in her favour. The above said jewels re-pledged periodically.

5. I submit that the 2nd respondent filed S.O.P.No.19 of 2015 before the Sub-Court, Melur and I hereby undertake that I am only eligible for 1/3 share in the LIC amount and death benefits of my son as well as the amount vested in the Savings Bank Account of my son. The 2nd respondent and her son is eligible for remaining 2/3 share in all the amounts as stated as supra. The minor son's share of the said amounts should be deposited in the Fixed Account initially for the period of 3 years and thereafter renewed till he attain majority. The interest of the fixed deposit can be realized by minor son's mother ie., 2nd respondent herein. On such conditions, the S.O.P.No.19 of 2015 may be closed.

6. I submit that showing my bonafide, I had already given original documents pertaining to the landed property purchased by my son in the name of 2nd respondent on 02.12.2016. I hereby give the keys of the house property situated in Nodikovilpatti, Melur, Madurai. In the said house property, I put my all things in a room and I don't have any objection using of the other rooms and as well as hall by the 2nd respondent. I keep the key for the said room separately. I hereby undertake to withdraw in O.S.No.114 of 2016 on the file of the learned District Munsif, Melur. I may be permitted to access to my grand child to show my love and affection."



2015 can be raised before the concerned Court and it is open to the said Court to take a decision and render suitable findings.

6. Considering the facts and circumstances of the case and also taking note of the undertaking affidavit dated 05.12.2016 filed by the 1st petitioner, this Court is of the view that custodial interrogation of these petitioners is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Melur, subject to the following conditions:**

(i) **each of the petitioner shall** execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with common two sureties** 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 Magistrate concerned;

(ii) **the 1st petitioner shall report before the respondent police as and when required and the 2nd petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;**

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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/-
09/12/2016

/ TRUE COPY /

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

TO



2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE INSPECTOR OF POLICE
MELUR ALL WOMEN POLICE STATION,
MADURAI

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

+3. CC to M/S.N.SHANKAR GANESH Advocate SR.No.80467

+1cc to M/S VEERA ASSOCIATES Advocate Sr.No. 80596

JAM/19.12.16/CK/SAR I/4P-9C

ORDER

IN

CRL OP(MD) No.22410 of 2016

Date :09/12/2016