



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

Wednesday, the Twenty Seventh day of January Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.878 of 2016

1 MRS.VELAMMAL
2 MR.RAVI CHANDRAN
3 MRS.BACKIALAKSHMI
4 PONKALAIYARASAN
5 MRS.POONGOTHAI

... PETITIONERS / ACCUSED 1 to 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SUBRAMANIPURAM CRIME POLICE STATION,
MADURAI CITY.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S BAKSHI GULAM MOHAMMED Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

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

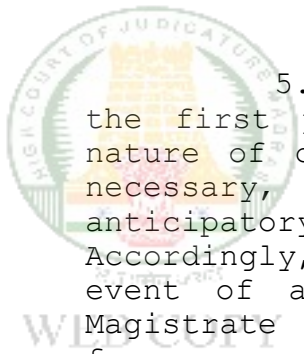
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A5, in Crime No.1192 of 2015 on the file of the respondent police, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 420, 406, 323 and 506(1) of IPC and hence, seek anticipatory bail.

2. The case of the prosecution is that the petitioners, using ATM card of the defacto complainant's father, withdrew Rs.81,400/- from the Bank account of his father. On the complaint, the case has been registered.

3. The case of the petitioners is that the first petitioner is mother, second petitioner is brother-in-law, the third petitioner is sister, fourth petitioner is son of petitioners 2 and 3 and 5th petitioner is sister-in-law of the defacto complainant. The father of the defacto complainant by Will did not give any property to the defacto complainant. The first petitioner had given life interest. After the death of father of defacto complainant, the first petitioner filed O.S.No.207 of 2015 for permanent injunction against the defacto complainant and on an order of Status Quo was passed in I.A.No.210 of 2015. In view of this, the defacto complainant has given a false complaint. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail in favour of the petitioners.

<https://hcservices.ecourts.gov.in/Hcservices4> Learned Government Advocate(Crl. Side) submitted that the petitioner withdrew Rs.81,400/- from the Bank account of the defacto complainant's father using ATM card of his father.



5.Considering the facts that the defato complainant is son of the first petitioner, others are close relatives and considering the nature of complaint given against them, custodial interrogation is not necessary, in the circumstances, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court No.4, Madurai, and on their executing a separate 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 2 and 4 shall appear before the respondent police daily at 10.00 a.m until further orders and the petitioners 1 and 3 shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6.The petitioners 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/-
27/01/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATECOURT-4
MADURAI
 2. THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
 3. THE INSPECTOR OF POLICE,
SUBRAMANIPURAM CRIME POLICE STATION,
MADURAI CITY
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S BAKSHI GULAM MOHAMMED Advocate SR.No.5621

ORDER
IN
CRL OP(MD) No.878 of 2016
Date :27/01/2016

CM
SH/SKS-RR/AR-I:05.02.2016:2P/6C