



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9610 of 2016

M.CHELLAMANI

... PETITIONER/ACCUSED No.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
CR. NO.1/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.VINOTH KUMAR, for M/S S.DORAISAMY Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (CrI. Side)

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

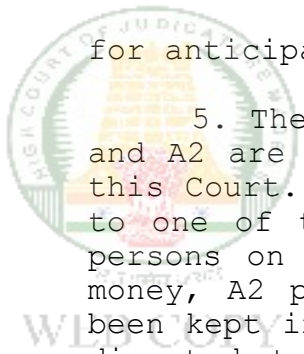
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.4, apprehends arrest at the hands of the respondent police for the offence punishable under Sections 406, 420 and 201 IPC, in Crime No.1 of 2014, on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that one Sathishkumar (A1) and his wife Chandra (A2), who are the practicing Advocates before this Court, on promising to get a job in this Court, collected a sum of Rs.52,77,000/- from the de-facto complainant and 38 others. After collecting the said amount from various persons, they had neither got jobs nor return the amount. The petitioner/A4 is the owner of the house, where A1 and A2 were residing and at request of A1 and A2, the petitioner opened a Locker in her name in Indian Bank at Thirupattur Branch to keep the jewels of A1 and A2 on her Locker. On 11.03.2015, this Court had directed to send a Letter to the Indian Bank of Thirupattur Branch, requesting to freeze the said Locker, but, knowing the said order through the counsel of A2, the petitioner opened the Locker on 11.03.2015 at 2 p.m. and withdrawn 60 sovereigns of gold ornaments from the Bank Locker and thereby, committed conspiracy along with other accused.

3. The case of the petitioner is that she is an innocent and she has not committed any offence as alleged by the prosecution.

4. The learned counsel for the petitioner submitted that the petitioner is the house owner, where A1 and A2 were residing as tenants. At request of A1 and A2, the petitioner opened a Locker in her name in Indian Bank at Thirupattur Branch, to keep the jewels of A1 and A2. He further submitted that the co-accused in this case, namely, A1 and A3 have already been arrested and released on bail and therefore, he prayed



for anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal side) submitted that A1 and A2 are the husband and wife and they are practicing Advocates before this Court. The first accused has stated that he is a relative and close to one of the Judges of this Court and received Rs.52,77,000/- from 39 persons on promising to get a job in this Court. From and out of that money, A2 purchased various properties and gold jewels and the same has been kept in the locker of the petitioner. On 11.03.2015, this Court had directed to send a Letter to the Indian Bank of Thiruppathur Branch, requesting to freeze the said Locker, but, knowing the said order through the counsel of A2, the petitioner opened the Locker on 11.03.2015 at 2 p.m. and withdrawn gold ornaments from the Bank Locker and the jewels are yet to be recovered. The learned Government Advocate (Criminal side) further submitted that the earlier five criminal original petitions filed by the petitioner were dismissed and now, there is no change of circumstances and A2 is still absconding. If anticipatory bail is granted to the petitioner, she will tamper the evidence and hamper the investigation and therefore, he prayed for dismissal of the criminal original petition.

6. Taking into consideration the nature of allegations against this petitioner and the fact that the properties purchased from the ill-gotten money has to be recovered and now, there is no change of circumstances from the order of dismissal of earlier criminal original petitions, this Court is not inclined to grant anticipatory bail to the petitioner. Hence, this criminal original petition is dismissed.

sd/-

14/07/2016

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

TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR DISTRICT.

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

+1CC to M/S. S.DORAISAMY, Advocate, SR.No. 36721

ORDER

IN

CRL OP(MD) No.9610 of 2016

Date :14/07/2016

AM/SK.SKN/SAR-I/18.07.2016/2P/4C