

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of March Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S.BASKARAN

CRIMINAL ORIGINAL PETITION No.4503 of 2017

in CRL.MP.4263/2017

1 MURUGAN,
2 AMBIKA,

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY ,
INSPECTOR OF POLICE,
T3 KORATTUR POLICE STATION,
CHENNAI. CR.NO.384 OF 2017.

[RESPONDENT]

S.P.GURUVANDITHA [PETITIONER/DE-FACTO COMPLAINANT]
(AS PER ORDER OF THIS COURT DATED 23/03/2017 MADE IN
CRL.MP.4263/2017 IN CRL.OP.4503/2017)

For Petitioner : M/S.T.ARUL Advocate

For Respondent : MR. R.SEKAR, Govt. Advocate (Crl. Side)

For INTERVENER : M/S.T.RADHAKRISHNAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A2 and A3, apprehend arrest at the hands of the respondent police for the alleged offence under Sections 494, 419, 420, 465, 466, 468, 471 IPC in Crime No.384 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners/A2 and A3 are in-laws of the defacto complainant. The first accused is the husband of the defacto complainant. The first accused claimed medical reimbursement amount from the Insurance Company for a sum of Rs.71,923/-, by impersonating the name of his wife/the defacto complainant, thereby committed a cheating. Hence, this complaint.

3.The learned counsel for the petitioners would submit that the petitioners are in-laws of the defacto complainant and they have been falsely implicated in this case. Further, he would submit that they are aged persons and no way connected with the alleged offence.

4. The learned counsel appearing for the intervenor would

submit that the petitioners are in-law of the defacto complainant. The first accused is her husband. The petitioners along with first accused harassed the defacto complainant by demanding dowry. A marriage between the first accused/husband and the defacto complainant was solemnised by the petitioners, by suppressing the earlier marriage. Out of the wedlock, a girl child was born. The first accused acted only as per the instruction given by the petitioners. Since the petitioners and the first accused were continuously harassing the defacto complainant and now, the first accused is living with the first wife, she left her matrimonial home and she has been living separately. Further, he would submit that the defacto complainant filed a petition under Domestic Violence Act before the Judicial Magistrate Court, Ambattur, for maintenance and the same is pending.

5.Learned Government Advocate (crl.side) would submit that this is a case of matrimonial dispute and the petitioners are only inlaw of the defacto complainant. By suppressing the earlier marriage, the first accused has married the defacto complainant. The investigation is pending. There is a specific allegation against the first accused, who is the husband of the defacto complainant and he has been arrested and remanded into the judicial custody. Further, he would submit that the maintenance petition was filed by the defacto complainant before the Judicial Magistrate, Amabattur and the same is pending.

6.Considering the facts and circumstances of the case and taking note of the couple of fact that, the petitioners are senior citizens and the main accused/A1 has been arrested and remanded into the judicial custody, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance before **the learned Judicial Magistrate, Ambattur**, within a period of 15 days, from the date of receipt of a copy of this order, on each of them executing 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 learned Judicial Magistrate concerned or to the satisfaction of the respondent police or the police officer who intends to arrest and on further condition that, the petitioners shall report before **the respondent police daily at 10.00 a.m for a period of two weeks** and thereafter as and when required for interrogation.

-sd/-
23/03/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T3 KORATTUR POLICE STATION, CHENNAI.

CC to M/S.T.ARUL Advocate on payment of necessary charges

CRL OP.4503/2017
in CRL.MP.4263/2017

Date :23/03/2017

ths : 27.03.2017