



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

Friday, the Twenty Second day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17905 of 2017

1 S.PANDIDURAI
2 SAKUNTHALA
3 SENTHAMILSELVI
4 SUBBAIAH

... PETITIONERS / ACCUSED 1 TO 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KARUPPAYOORANI POLICE STATION,
MADURAI DISTRICT,
CR.NO.478/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.K.SAMIDURAI Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

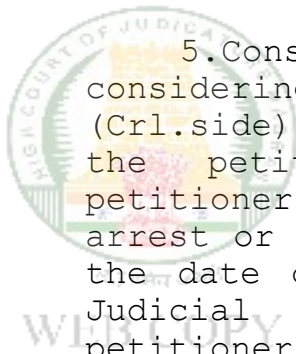
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Section 406 and 420 I.P.C., in Crime No.478 of 2017, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the third petitioner are brother and sister of the defacto complainant. After the death of their mother on 06.06.2017, there was a property dispute arose in between the brothers and sisters, thereby, the elder brother lodged a complaint before the respondent police alleging that the first petitioner and third petitioner cheated the others and transferred the money from the account of his mother to their account.

3.The learned counsel for the petitioners submitted that prior to the death of the petitioners' mother, all the amount were transferred to the legal heirs including the defacto complainant. It is only a civil nature and filing criminal case against the other legal heirs is not maintainable. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police, on instructions, would submit that investigation is still pending.



5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 petitioner No.1 shall report before the respondent police daily evening at 5.30 p.m until further orders.
- (ii) the petitioner Nos. 2 to 4 shall report before the respondent police 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 make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (v) the petitioners shall not abscond either during investigation or trial.
- (vi) the petitioners shall not commit any offence while on bail;
- (vii) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-

22/12/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KARUPPAYOORANI POLICE STATION, MADURAI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.K.SAMIDURAI Advocate SR.No.37032

ORDER IN

CRL OP(MD) No.17905 of 2017
Date :22/12/2017