

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Thursday, the Nineteenth day of April Two Thousand Eighteen  
PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN  
CRIMINAL ORIGINAL PETITION No.124 of 2018  
and CRL.M.P.No.501/2018

1 ABITHA BANU,  
2 MANSOOR ALIKHAN,

[ PETITIONERS / ACCUSED ]

Vs

STATE THROUGH  
THE INSPECTOR OF POLICE,  
F-5, CHOO LAIMEDU POLICE STATION,  
CHENNAI-94. CR.NO.2915 OF 2017.

[ RESPONDENT ]

A.PARI [ PETITIONER/DEFACTO COMPLAINANT]  
( AS PER ORDER OF THIS COURT DATED 19/04/2018 MADE IN CRL.MP.501/2018  
IN CRL.OP.124/2018)

For Petitioner : M/S.A.R.NIXON Advocate

For Respondent : MR. T.SHANMUGA RAJESWARAN, Govt. Advocate ( Crl.  
Side)

For INTERVENER : MR.A.PARI, (PARTY IN PERSON)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 447, 420, 468, 471 and 506(i) of IPC in Cr.No.2915 of 2017 on the file of the respondent Police, seek anticipatory bail.

2. Heard both sides.

3. The Crl.M.P.No.501 of 2018 is filed by Mr.A.Pari, party-in-person as an intervener seeking permission to submit his objection before grant of anticipatory bail in Crl.O.P.No.124 of 2018.

4. The learned counsel for the petitioner submitted that for the alleged offences under Sections 447,420,468,471 and 506(i) of IPC, the respondent herein, registered the case in Cr.No.2915 of 2017. It is further submitted that the first petitioner is the wife of the second petitioner.

5. According to the learned counsel for the petitioners there is a civil dispute pending between the parties which is subject made in C.S.No.207 of 2010 filed before this High Court. Subsequently, the suit was transferred to City Civil Court, Chennai and re-numbered as O.S.No.10171 of 2010 and the matter is pending adjudication for several years. In the mean while, the intervene/defacto complainant filed the complaint before the concerned Magistrate under Section 153 (3) Cr.P.C. to register a case and the Magistrate has ordered to enquire the matter and to file a report.

6. According to the petitioners, after investigation, the respondent police submitted the enquiry report and notice has been issued to the defacto complainant. In the mean while, the defacto complainant has been filed CrI.O.P.No.23362 of 2017 before this Court, under Section 482 of Cr.P.C. to issue a direction to the respondent to register a case on the basis of his complaint. By an order dated 03.11.2017, this Court directed the respondent police to register the case and to conduct an investigation. Accordingly, the case in Crime No.2915 of 2017 has been registered by the respondent police.

7. The learned counsel for the petitioners, further submitted that as against the registration of the case, the petitioners filed quash petition before this Court in CrI.O.P.No.1125 of 2018 and interim stay has been granted by this Court. On the ground that the case has already been taken for investigation by the same Choolaimedu Police Station, enquiry report has been filed and the matter is pending before the concerned Court. At this juncture, the accused is seeking for anticipatory bail. The first petitioner would submit that the petitioners have allegedly forged and fabricated the several documents to gain unlawfully. It is further submitted that there are several civil suits pending between the petitioners/accused and defacto complainant herein. The petitioners are not required to be interrogated by taking their custody. The defacto complainant strongly object to the grant of anticipatory bail in favour of the petitioners.

8. The learned Government Advocate would submit that investigation is pending in this case.

9. Taking into consideration the facts and circumstances of the case and also taking note of the fact that further investigations in this case has been stayed by this Court in CrI.O.P.No.1125 of 2018, this Court is inclined to grant anticipatory bail to the petitioners subject to the following condition.

10. Accordingly, it is ordered that the petitioners shall be released on bail, in the event of arrest or on their appearance before the learned XVII Metropolitan Magistrate at Saidapet, Chennai, within a period of two weeks from the date of receipt of a copy of this order, on condition that 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 arresting Officer or to the satisfaction of the learned Magistrate

concerned and on further condition that the second petitioner shall report before the respondent police every Saturday and Sunday at 10.00 a.m., for a period of two weeks and thereafter, as and when required for interrogation. The first petitioner being a lady shall report before the respondent police as and when required for interrogation.

-sd/-  
19/04/2018

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 METROPOLITAN MAGISTRATE,  
NO.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI.  
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
F-5, CHOO LAIMEDU POLICE STATION,  
CHENNAI-94,

+1 CC to M/S.A.R.NIXON Advocate on payment of necessary charges-  
Sr.7699

+1 CC MR.PARI, (PARTY IN PERSON) on payment of necessary charges-  
Sr.7677

CRL OP.124/2018

and CRL.M.P.No.501/2018

Date :19/04/2018

THS : 27.04.2018