



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2849 of 2018

1 MRS. PREMA
2 SARAVANAN
3 MS.S. ROHINI

... PETITIONERS/ACCUSED No.1 to 3

Vs

THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, COMMISSIONER OFFICE,
3RD FLOOR, NO.41 AZHAGAR KOVIL ROAD, MADURAI.
IN CRIME NO.10/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.T.ANTONY ARUL RAJ Advocate
For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners / A1 to A3, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 120(b), 406, 420 , 416 and 419 I.P.C., in Crime No.10 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the the first and third petitioners are sisters and the second petitioner is the first petitioner's husband. The mother of the first and third petitioners died on 24.08.2013. The third petitioner is an unmarried woman. So, the mother of the third petitioner has appointed the third petitioner as nominee and deposited a sum of Rs.8 lakhs in her account in the Bank of Baroda, Ponmeni Branch, Madurai District and also gave her jewels to the third petitioner herein for her marriage. In this circumstances, the third petitioner's sister namely, Umadevi, who is the defacto complainant lodged a complainant before the respondent police stating that the petitioners have deceived the amount of Rs.8 lakhs as well as some jewels. Hence, a case has been registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate(Criminal Side) appearing for the State submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the third petitioner herein being the nominee of her mother taken away the 8 sovereigns of gold and original title deed, which were kept in the locker maintained by the Bank of Baroda, Ponmeni Branch, Madurai. Now, on going through the letter given by the Bank Manager, Bank of Baroda, , Ponmeni Branch, Madurai, which was submitted by the learned Government Advocate (Crl.Side), it seems that the mother of the third petitioner is not having any locker in the Bank of Baroda, which was stated in the F.I.R., it shows that the allegations levelled against the petitioners are not having any prima facie. Thereby, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, they 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.V, 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:

(ii)the petitioners shall report before the respondent police daily at 10.00 a.m. for a period of three weeks, thereafter, as and when required for interrogation.

(i) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

09/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.V, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI3 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, COMMISSIONER OFFICE,
3RD FLOOR, NO.41 AZHAGAR KOVIL ROAD, MADURAI.4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.T.ANTONY ARUL RAJ Advocate SR.No.3896

ORDER

IN

CRL OP(MD) No.2849 of 2018

Date :09/03/2018

SMA/RR-CSL/SAR-4/19.03.2018:3P/6c