



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

Wednesday, the Ninth day of May Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7557 of 2018

1 SENTHIL @ SENTHIL KUMAR
2 NANTHU

... PETITIONER/ACCUSED No.2 & 3

Vs

STATE REPRESENTED BY ITS.,
THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT.
IN CR NO. 126 OF 2018

... RESPONDENT/COMPLAINANT

A.YUSUF

... PETITIONER/INTERVENER/COMPLAINANT
IN CRL MP(MD)No.3596/2018 IN CRL OP(MD)No.7557/2018

For Petitioners : MR.T.A.EBENEZER, Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

For Intervenor : MR.T.S.MOHAMED MOHIDEEN, Advocate

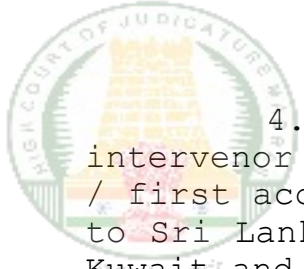
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 379, 380, 406, 506(ii), 120(B) and 34 IPC, seek anticipatory bail.

2.The prosecution's case is that the de facto complainant married the first accused and left India. Thereafter, the first accused developed illegal intimacy with the petitioners and helped the first accused to take away the articles and property belonged to the de facto complainant and on the insistence of the first accused the petitioners attacked the de facto complainant on 18.09.2017.

3.On the side of the petitioners it is stated that it is only a domestic dispute, wherein the petitioners are not in any way connected and the petitioners seek anticipatory bail by allowing this petition.



4. On the side of the intervenor it is stated that the intervenor is working in a Supermarket at Kuwait. He married Azeela / first accused 14.05.2004 and they have two children. A1 belonged to Sri Lanka. In the year 2006, de facto complainant again went to Kuwait and sent money from there and purchased several properties in and around Tanjore. While the de facto complainant was in Kuwait, A1 was arrested by the Trichy Airport Police in the year 2010 in Crime No.883/2010 for having fake passport and the case is still pending. When the intervenor returned to India in July 2017, he heard that A1 / wife of the intervenor with the help of A2 and A3 is indulging in illegal trading of foreign currencies and creating fake documents and also having illegal intimacy with them. When the intervenor questioned the same, they threatened the intervenor. On the inducement of A1, A2 and A3 entered into the house of the the intervenor on 18.09.2017, and beat him. Moreover if the petitioners and the wife of the intervenor looted 130 soverigns of jewels, foreign currencies, property documents and RC book for the vehicles from the bank locker taking advantage of the fact that the intervenor left India on 22.09.2017. The Manager of the Bank, who helped the wife of the intervenor to loot the jewels and documents of the intervenor, was suspended and a case was registered against him in Crime No.125 of 2018, under Sections 465, 379, 420, 409, 403 r/w 120B IPC. When the intervenor returned India on 31.03.2018 and visited his house on 23.04.2018, he found that the entire house was being robbed and he came to know that the accused 1 to 3 are preparing to dispose of the immovable properties by using the looted documents, which were kept in the safe locker of Karur Vasiya Bank. The second defendant is a Jail Warden at Pattukottai and he gave the xerox copy of the document of the property to an agent. If anticipatory bail is granted to the petitioners, it will be impossible for the intervenor to recover the things.

5. On the side of the respondent police, it is stated that A1 is a Sri Lankan residing at Tajore from 2006 and A1 to A3 attacked the defacto complainant and had taken away the jewels of the complainant from the bank and all the articles from the house. The Bank has also given a complaint against the Manager for illegally breaking open the locker of the complainant, wherein the articles and documents were kept. Even though he was taken under police custody, he did not cooperate for the investigation. Petitioners are in possession of the documents and articles and they know the whereabouts of the complainant's children and A1 was already arrested in a fake passport case filed by the Trichy Airport Police, Trichy and a case in No.323 of 2014 is pending on the file of Judicial Magistrate No.VI, Trichy and the show cause notice was also issued by the Passport Officer against A1. Investigation in this case is at the initial stage. Custodial interrogation of the petitioners is necessary. Second accused being Jail Warden was capable of tampering the witness and objecting the release of the petitioner on anticipatory bail.



7.The allegations against A1 are serious in nature. Previous case is also pending against A1, A2 and A3 who are the petitioners herein and their participation in so many offences are described in the FIR. The first petitioner is the second accused in the case who is the Jail Warden, respondent police required the petitioners for custodial interrogation. Investigation is at the initial stage. Documents and articles are yet to be recovered and the whereabouts of the children are to be traced out. In the above circumstances, this Court is not inclined to grant anticipatory bail to the petitioners.

8.In the result, this criminal original petition is dismissed.

sd/-
09/05/2018

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

TO

- 1 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
THANJAVUR DISTRICT,
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.T.S.MOHAMED MOHIDEENT, Advocate SR.No.8444

ORDER
IN
CRL OP(MD) No.7557 of 2018
Date :09/05/2018

PK/CM-VR/ASVM/12.06.2018 : 3P/4C