



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

Thursday, the Twenty Sixth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.13003 of 2018

1 L.SUMATHI

2 R.LAKSHMI KANTHAN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY CITY.
(CRIME NO 23 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.I.SUBRAMANIAN, Senior Counsel for
Mr.R.ANAND, Advocate

For Respondent : Mr.A.ROBINSON, Government Advocate(Crl.Side)

For Intervener : Mr.A.L.KANNAN, Advocate

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

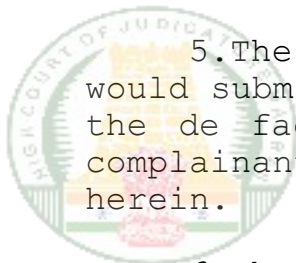
ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent Police for the offences under Sections 406 and 420 I.P.C in Crime No.23 of 2018 and seek anticipatory bail.

2.Heard the learned Senior counsel appearing for the petitioners as well as the learned Government Advocate (Crl. side) appearing for the respondent and the learned counsel appearing for the intervener.

3.This Court went through the contents of the First Information Report. The de facto complainant has made a huge investment in developing a piece of property. Apartments were built and thereafter dispute arose over sharing of profits and also transferring one apartment.

4.It is alleged that the first petitioner had fraudulently executed transfer deed in favour of the second petitioner who is his own wife. This Court wanted the parties to amicably resolve the issue. But taking note of the adamant stand taken by the petitioners on the earlier occasion, this Court dismissed their petition for anticipatory bail. This is the second petition for anticipatory bail.



5.The learned Senior counsel appearing for the petitioners would submit that the flat in question has been forcibly occupied by the de facto complainant. He also complained that the de facto complainant is carrying on a false campaign defaming the petitioners herein.

6.The learned Senior counsel appearing for the petitioners made certain offers which would have reduced the scope of controversy. The petitioners can be directed to pay a sum of Rs.30,00,000/- to the de facto complainant in return for handing over the possession of the flat in question and that the parties could resolve the issues between themselves before the competent Civil Court.

7.But this offer made by the petitioners is not acceptable to the de facto complainant. Since the petitioners have shown their bona fides by coming up with a reasonable offer and the de facto complainant is not willing to accept the same, this Court is of the view that by taking note of the facts and circumstances of the case, the petitioners can be granted anticipatory bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.IV, Tiruchirappalli and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
26/07/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.IV, TIRUCHIRAPPALI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALI DISTRICT.
3. THE INSPECTOR OF POLICE, CITY CRIME BRANCH, TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.R.ANAND Advocate SR.No.14181

ORDER IN
CRL OP(MD) No.13003 of 2018
Date :26/07/2018