

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

Friday, the Fifteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3672 of 2019

1 B.NAGIAH REDDY
2 B.PARTHASARATHY
3 D.BALAJI
4 B.MOHANALAKSHMI

... PETITIONERS/ACCUSED NOS.1 TO 4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TUTICORIN DISTRICT.
CRIME NO.24/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.M.RAVIKUMAR, Advocate for
Mr.M.VEILKANI RAJU Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government 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 alleged offences under Sections 294(b), 406, 420 and 506(ii) of IPC, in Cr.No.24 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the son-in-law of the first petitioner and brother-in-law of he second petitioner. The marriage of the first petitioner's daughter and the defacto complainant was solemnised on 24.12.2007. There was a matrimonial dispute between them. The matrimonial case also pending before the Court in United States of America. When the defacto complainant and his wife were live together, the defacto complainant sent money in the name of the petitioners for the purpose of purchasing the property in his name. However, they purchased the property in their name and now they have neither returned the money nor handed over the possession of the property to the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. It is purely family dispute. In order to wreck vengeance the false complaint has been foisted against the petitioners. No amount was transferred in favour of the petitioners. In the complaint the defacto complaint stated that he had transferred a sum of Rs.40 lakhs to the first petitioner's account and Rs.10 lakhs to the second petitioner's account. But, he had not transferred any such amount in favour of the petitioners in Adambakkam SBI Branch. Accordingly, they prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that wrong information was given to the FIR. However, it is alleged that sum Rs.40 lakhs to the second petitioner brother-in-law.

5.Considering the facts and circumstances of the case and considering the fact that it is family dispute and the petitioners are only in-laws of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, 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.III, Thoothukudi, on condition that the petitioners shall execute 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners shall not abscond either during investigation or trial;

(e)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 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/03/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TUTICORIN DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.M.VEILKANI RAJU Advocate SR.No.5024

ORDER IN
CRL OP(MD) No.3672 of 2019
Date :15/03/2019

MS/PN/SAR-2/20.03.2019/2P.6C

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