



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

Wednesday, the Tenth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5432 of 2019

KRITHIGA

... PETITIONER /2nd ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUPPARANKUNDRAM POLICE STATION,
MADURAI CITY.
(CRIME NO.217/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.VAKEESWARAN Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

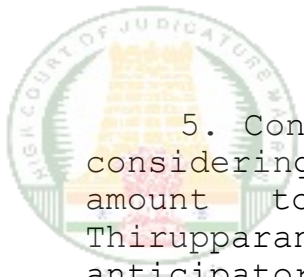
ORDER : The Court Made the following order :-

The petitioner who is apprehending arrest at the hands of the respondent police for the alleged offence under Section 420 of IPC in Crime No.217 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the petitioner herein is A2, wife of A1, who had passed away. While A1 was alive he stood as a power of attorney in favour of M.S.R.Jeyaraman and his daughter namely, Azhagi Meena and his son namely, Senthilkumar and executed a sale deed in favour of the defacto complainant. Later on the defacto complainant came to know that the property belonged to Arulmighu Subramaniya Swamy Kovil, Thirupparankundram, Madurai. Hence, the law enforcing agency registered a complaint against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she is an innocent person. He would further submit that the petitioner is ready to deposit a sum of Rs.3,00,000/- to the Joint Commissioner, HR & CE Department, Thirupparankundram, Madurai. She has no objection to secure the property which belongs to temple.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that if the petitioner is ready to deposit some amount, this Court may pass appropriate orders.



5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is willing to deposit some amount to the Joint Commissioner, HR & CE Department, Thirupparankundram, Madurai, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai on condition that the petitioner shall execute 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 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 petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the Joint Commissioner, HR&CE Department, Thirupparankundram, Madurai and thereafter sureties shall be accepted.

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

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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;

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

sd/-

10/04/2019

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

TO

1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



3 THE INSPECTOR OF POLICE,
THIRUPPARANKUNDRAM POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-6516[I] dated 10/04/2019)

COPY TO:
THE JOINT COMMISSIONER,
HR&CE DEPARTMENT,
THIRUPPARANKUNDRAM, MADURAI.

ORDER
IN
CRL OP(MD) No.5432 of 2019
Date :10/04/2019

JM/VR/SAR 1/12.04.2019/3P/7C