



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9488 of 2019

B.Kala @ Kalavathi

... Petitioner/Single Accused

Vs

State Rep.by
The Inspector of Police,
Central Crime Branch,
Madurai District.
(Crime No.17/2019)

... Respondent/Complainant

Azhianatchiyar

... Petitioner/ Intervener

For Petitioner : M/s.R.Vijayalakshmi,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

For Intervenor : M/s.M.Solaisamy, Advocate

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

PRAYER :-

For Anticipatory bail in Cr.No.17 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 467, 468 and 471 of IPC, in Crime No.17 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner has not committed any offence and she has been falsely implicated in the above case. She further submitted that the petitioner has married the deceased Poominathan and the said Poominathan died on 12.12.2017, who was working as an Office Assistant at Corporation Employees Co-operative Thrift & Credit Society Limited, Madurai and he died on 12.12.2017. She further submitted that during his life time, he nominated the petitioner, as his legal heir in his service records. She further submitted that



with a view to get the death benefits of the deceased, the defacto complainant, who is the sister of the said Poominathan has lodged a false complaint, against the petitioner. She further submitted that the petitioner will file a suit to declare her as a wife of Poominathan, and therefore, he prayed for anticipatory bail to the petitioner.

3.The learned counsel for the Intervenor has submitted that since the petitioner is working in Madurai Corporation as daily wages, she influenced the president of the said Association (Society), and made a false entry in the service record of the deceased Poominathan and based on the said false entry, she is trying to get the death benefits of the said Poominathan. He further submitted that the petitioner has got married one Govindaraj @ Kannan and through him, she got children also and even now, she is living with the Govindaraj @ Kannan. Only with a view to get the death benefits of the said Poominathan, she made a false claim as she is the wife of the said Poominathan, and hence, he strongly opposed this petition. He further submitted that already the defacto complainant has filed a Succession Original Petition in SOP.No.19/2018 on the file of the learned Principal Sub Judge, Madurai and the same is still pending.

4.The learned Government Advocate (Criminal side) appearing for the respondent has adopted the arguments advanced by the learned counsel for the Intervenor and she also opposed this petition. She produced a copy of the service record of the said Poominathan.

5.A perusal of the copy of the said service record of the said Poominathan shows that the President of the said Association made an endorsement on 18.09.2015 as the petitioner herein is the wife of the said Poominathan and also recorded as she is legal heir.

6.Taking into consideration the aforesaid facts and also the fact that the issue is only with regard to get benefits of the deceased Poominathan and also the submission made by the petitioner that the petitioner will file a suit to declare her as wife of the deceased Poominathan and also the fact that already the defacto complainant filed a Succession Original Petition and the same is still pending, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.I, Madurai, on condition that the petitioner 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) since the petitioner is Government Servant, she shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-

12/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.VIJAYALAKSHMI Advocate SR.No.75129
+1CC TO Mr.M.SOLAISAMY, Advocate, Sr No.11796

ORDER

IN

CRL OP(MD) No.9488 of 2019

Date :12/07/2019