



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

Wednesday, the Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL.O.P (MD) .Nos.20202 and 21081 of 2018

1 K.P.S.CHITRA
2 S.V.MARIKANNI

... PETITIONERS / A1 AND
ACCUSED RANK NOT KNOWN
IN CRL OP (MD) NO.20202 OF 2018

JANSIRANI

... PETITIONER/ ACCUSED NO.2
IN CRL OP (MD) NO.21081 OF 2018

-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (DCB),
VIRUDHUNAGAR,
VIRUDHUNAGR DISTRICT.
CRIME NO.13 OF 2018

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners: Mr.G.MARIAPPAN, Advocate
IN CRL OP (MD) NO.20202 OF 2018

: Mr.N.SATHEESH KUMAR, Advocate
IN CRL OP (MD) NO.21081 OF 2018

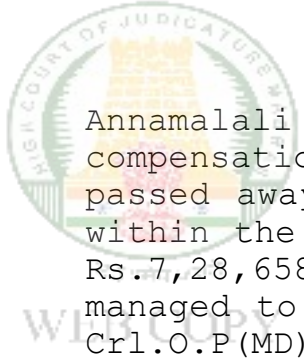
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 406 and 34 of IPC in Cr.No.13 of 2018 seek anticipatory bail.

2. The case of the prosecution is that One Palanichamy Nadar and Theivanaiaammal had nine childrens who had inherited the property. They had several family property of which property in survey no.50/8B, extent of 0.55.0 hectares at Kuraikundu Village, Virudhunagar District was acquired by the Government for construction of Collectorate, for which compensation was awarded.



Annamalali Ammal who is the eldest daughter-in-law had received the compensation amount as the others have assented for the same who passed away in the year 1985. Till such time there was no dispute within the legal heirs and family members. Enhanced compensation of Rs.7,28,658/- was awarded in the year 2017. The first petitioner had managed to get compensation amount in her name. The petitioner in Crl.O.P(MD) No.21081 of 2018 is the wife of K.P.Rajamani and the second petitioner in Crl.O.P(MD) No.20202 of 2018 married the daughter of first petitioner K.P.S.Chitra. Further there is a dispute with regard to the Will executed by Annamalai Ammal and K.P.Kamaraj in favour of Marikani in which a civil suit is pending in O.S.No.5 of 2013 before the Additional District and Sessions Court, Virudhunagar in managing the property of Marikani as he has lent out the property wherein there are disputes with regard to the house owner and tenant and rent control proceedings are pending, as these two tenants are not paying the rent who were occupying the property of Marikani. Hence there seems some dispute between the family members.

3. The learned counsel for the petitioners would submit that the petitioners appeared the respondent for enquiry and had stated that for getting compensation from the Government they have engaged one facilitator and the said facilitator had taken brokerage of 30% with regard to the enhanced compensation. He would also submit that this was not headed by the defacto complainant as well as by the respondent police.

4. Heard the learned Government Advocate(Crl.Side) appearing for the respondent.

5. Taking into consideration the facts of the case and the submissions by learned counsels on either side, this Court inclined to grant anticipatory bail to the petitioners.

6. 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.II, Virudhunagar 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the second petitioner in Crl.O.P(MD) No.20202 of 2018 shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.

3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (DCB),
VIRUDHUNAGAR, VIRUDHUNAGR DISTRICT.

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

+1. CC to Mr.G.MARIAPPAN Advocate SR.No.83

+1CC to Mr.N.SATHEESH KUMAR, Advocate, Sr No.84

ORDER IN

CRL.O.P(MD).Nos.20202 and 21081 of 2018

Date :02/01/2019

MS/VR/SAR-1/09.01.2019/3P.7C