



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD).No.9839 of 2019

Jennifer @ Jayanthi ... Petitioner/Sole Accused

Vs

State Represented Through,
The Inspector of Police,
D1, Thallakulam Police Station,
Madurai District.
(Crime No.962/2019).

... Respondent/Complainant

For Petitioner : M/s.A.P.Balasubramanian,
Advocate.

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

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

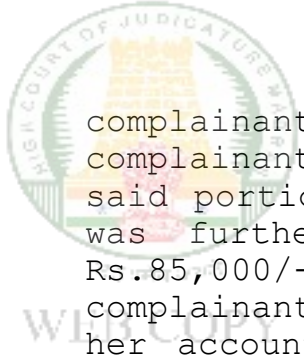
PRAYER :-

For Anticipatory bail in Cr.No.962 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 448, 294(b) and 506(ii) of IPC, in Crime No.962 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the original name of the petitioner is Jeyanthi and subsequently, she changed her name as Jenifer. He further submitted that the petitioner entered into a lease agreement with the defacto



complainant in respect of first floor, which belongs to the defacto complainant and the defacto complainant has agreed to lease out the said portion to the petitioner for monthly rent of Rs.17,000/-. It was further agreed that the petitioner has to pay a sum of Rs.85,000/- as advance on 05.06.2019. Subsequently, the defacto complainant has requested the petitioner to pay the said amount in her account and she also furnished her Bank account number also. Accordingly, the petitioner has deposited the advance amount of Rs.85,000/- in the account of the defacto complainant on 17.06.2019. He further submitted that only thereafter, the defacto complainant allowed the petitioner to occupy the aforesaid portion and from that date onwards, the petitioner is in possession of the said portion as a tenant. He further submitted that the petitioner also paid electricity charges. He further submitted that subsequently, the defacto complainant demanded more rent and also more advance amount and for that the petitioner has not agreed, hence, she lodged a false complaint against the petitioner. Therefore, he prayed to grant anticipatory bail to the petitioner.

3.Per contra, the learned Government Advocate (Criminal Side) for the respondent submitted that on 18.06.2019, the petitioner came to the house of the defacto complainant and informed that her name is Jenifer and she wanted to take the defacto complainant's house for lease and also shown her Aadhar Card, in which it is stated as Jeyanthi. She further submitted that initially, the defacto complainant agreed to lease her property to the petitioner. But, on verifying the Aadhar card, she suspected that the name of the petitioner is not genuine one and hence, she refused to lease out her property to the petitioner. But the petitioner has obtained key from another tenant and trespassed into the house on 19.06.2019. When the same was questioned by the defacto complainant's Sammanthi (relative), the petitioner has threatened him and also abused him. She further submitted that the possession of the petitioner is illegal and therefore, she opposed this petition. However, she fairly conceded that the petitioner has deposited a sum of Rs.85,000/- in the account of the defacto complainant and the said fact came to the knowledge of the defacto complainant only two days later. Now, the defacto complainant is ready to return the said amount.

4.Even though, the defacto complainant came to know about the fact that the petitioner has deposited a sum of Rs.85,000/- towards advance in the account of the defacto complainant within two days, thereafter, she has not taken any steps to return the said amount. Unless the defacto complainant gave any instructions, the broker, namely, Krishnan could not have handed over the key to the petitioner. The said fact also strengthened the case of the petitioner.

5.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

<https://hcservices.ecourts.gov.in/hcservices/>



6. 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.II, 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 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 fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks 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/-
18/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.

<https://hcservices.reports.gov.in/hcservices/>
2 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3 THE INSPECTOR OF POLICE,
D1, THALLAKULAM POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.R.Alagumani, Advocate SR.No.12025

ORDER
IN
CRL OP (MD) No.9839 of 2019
Date :18/07/2019

DAS
ES/JC/SAR 2/30.07.2019/5P/6C