

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.2466 of 2020

1 MURALI
2 NIRMALA

[PETITIONER / ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
KANCHEEPURAM DISTRICT.
(IN CRIME NO. 60/2020)

For Petitioner : M/S. SARAVANAN AND SATHISH Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (CrI. 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 offence under Section 174 Cr.P.C. @ into 306 of I.P.C. in Cr.No.60 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have received a sum of Rs.23 Lakhs from the defacto complainant's daughter namely, Lavanya/ widow for executing a sale deed. Thereafter, they neither executed the sale deed nor returned the money and when Lavanya demanded the money, the petitioners are alleged to have scolded her using filthy language, due to which, the said Lavanya committed suicide. Based on the complaint given by the mother of the deceased Lavanya, the case came to be registered.

3.The learned counsel appearing for the petitioners would submit that the complaint was lodged on the ground that the petitioners had not executed the sale deed in favour of the deceased. The learned counsel on instructions, would further submit that the petitioners are now ready to convey the property worth about Rs.20 Lakh by executing the sale deed in favour of the children of the deceased Lavanya, within a period of three weeks from the date of receipt of a copy of this order.

4.The learned counsel appearing for the petitioners would further submit that apart from the that, the petitioners are ready to deposit a sum of Rs.5 Lakhs each, to the credit of the crime number and would further submit that on such deposit being made, the same may be disbursed in favour of the children of the deceased Lavanya.

5.This Court also heard the submissions made by the learned Government Advocate (Criminal Side).

6.Considering the fact that the petitioners are now ready to execute the sale deed in favour of the children of the deceased Lavanya and the fact that the petitioners are ready to deposit a sum of Rs.10 Lakhs, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Sriperumbudur, 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 shall convey the property worth about Rs.20 Lakhs by executing the sale deed, as agreed, in favour of the children of the deceased Lavanya, within a period of three weeks from the date of receipt of a copy of this order.

(b) the petitioners shall jointly deposit a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) (Rs.5 Lakhs each) to the credit of the Cr.No.60 of 2020 before the learned District Munsif cum Judicial Magistrate, Sriperumbudur, within a period of four weeks from the date of receipt of a copy of this order. The proof of such deposit and execution of sale deed shall be produced at the time of executing the bond. On such deposit being made, the learned District Munsif cum Judicial Magistrate, Sriperumbudur, shall deposit the amount equally in fixed deposit in any one of the Nationalized Banks, in the name of the children of the deceased Lavanya.

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

(d)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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

(g) 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 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;

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

-sd/-

13/02/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S. SARAVANAN AND SATHISH Advocate on payment of
necessary charges SR.NO.2956

CRL OP.2466/2020

Date :13/02/2020

RVR 17/02/2020