

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Twenty Fourth day of March Two Thousand Twenty  
PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL ORIGINAL PETITION No.6885 of 2020

RAJALAKSHMI

[ PETITIONER / ACCUSED ]

Vs

1 STATE REP. BY [ RESPONDENT ]  
DEPUTY SUPERINTENDENT OF POLICE,  
DISTRICT CRIME BRANCH,  
SALEM.

2 STATE REP. BY  
INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
SALEM.

CR. NO. 7 OF 2020

For Petitioner : M/S. R.THIRUGNANAM Advocate

For Respondent : MR.S.THANKIRA Govt. Advocate ( Crl. Side)

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

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 120B, 415, 416, 417, 420, 468, 472, 191, 192, 199 and 209 of IPC., in Crime No.7 of 2020, seeks anticipatory bail.

2.1 The petitioner herein is the wife of A2 in Crime No.90 of 2017 on the file of Thammampatty Police Station, Salem District. A1, who is a owner of certain extent of property in Thammampatty Village had obtained loan from the Tamil Nadu Industrial Investment Corporation, pledging his property, and since he is not able to repay the loan amount, the said Corporation had brought the property to auction sale, and that the defacto complainant herein was the successful bidder in the auction sale and thereafter, he became the owner of the property by virtue of sale deed dated 03.10.2006. It is alleged in the complaint that A1 along with 7 other co-accused (of whom, A2 is the husband of the petitioner herein) had forged the signature of the defacto complainant and created a false sale agreement, based on which suit came to be filed by A2 for specific performance of the said sale agreement, that he had obtained a decree

On 30-11-2015 To set aside the said decree, the defacto complainant

has filed a petition. In the meanwhile, in 2017, A2, the husband of the petitioner had executed a settlement deed in favour of the petitioner herein. A2 along with A3 to A5 also filed a petition seeking anticipatory bail and this Court has granted anticipatory bail to them. That apart, A2 to A6 also filed a petition before this Court, calling for the records in connection with the said Crime No., and it came to be disposed of on 05.4.2019. This Court also records the statement of the learned Public Prosecutor that the investigation was almost completed and final report is required to be filed in Crime No.90 of 2017, and it directed the respondent to file a final report before the jurisdictional Magistrate, within three months of receipt of a copy of the order.

2.2. The petitioner would further submit that the investigation in Crime No.90/2017 pending on the file of Inspector of Police, Thammampatty Police Station, came to be transferred to the file of the Deputy Superintendent of Police, District Crime Branch, Salem and a fresh FIR in Crime No.7 of 2020 came be registered. Though the petitioner is not an accused in the alleged crime in both the FIRs, the respondent herein required the petitioner to appear for an enquiry, and therefore, she apprehends arrest at the hands of the respondent.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she is no way connected with the alleged offence. Further, the accused A1 to A6 in Crime No.90 of 2017 were granted anticipatory bail. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) made submissions supporting the case of the prosecution and opposed this Court granting anticipatory bail to the petitioner.

5.Taking into account the nature of the allegation prima facie appears civil in nature and that the petitioner name did not figure out in the present FIR, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of thirty days from the date on which the order copy made ready, before the learned Judicial Magistrate No.6, Salem, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] 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.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

6. In view of the COVID-19 threat perception, this Court directs the respondent police not to conduct any enquiry on the petitioner, till COVID-19 threat perception and the protocol, which the Government issue subsists. The petitioner is also directed to strictly adhere to the conditions set out under Section 438 Cr.P.C., and also stay home bound / quarantined during the period when COVID-19 threat perception.

-sd/-  
24/03/2020

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 JUDICIAL MAGISTRATE,  
NO.6, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE  
SALEM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

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4 THE DEPUTY SUPERINTENDENT OF POLICE,  
DISTRICT CRIME BRANCH,  
SALEM.

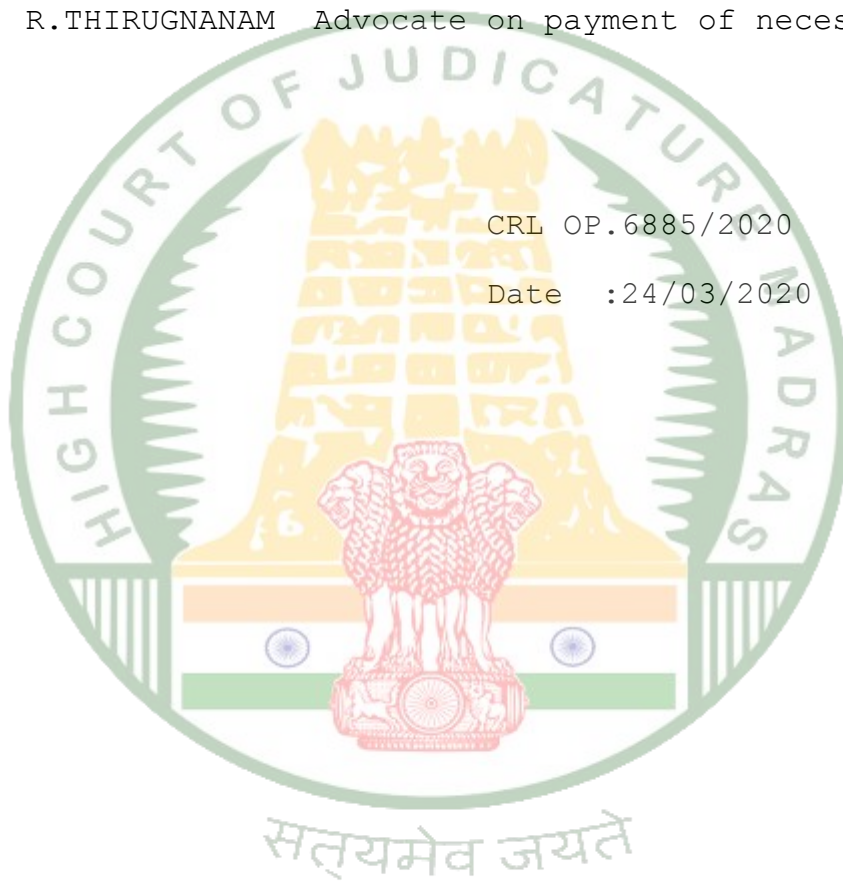
5 THE INSPECTOR OF POLICE,  
DISTRICT CRIME BRANCH,  
SALEM.

CC to M/S. R.THIRUGNANAM Advocate on payment of necessary  
charges

CRL OP.6885/2020

Date :24/03/2020

RD 27/05/2020



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