



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WEB COPY

CRL OP(MD) . No.2154 of 2020

1. Periyasamy
2. Manikandan

... Petitioners/Accused Nos.1 and 2

Vs

STATE REP., BY
The Sub Inspector of Police,
Uppiliyapuram Police Station,
Trichy District
(In Crime No.41 of 2020). ... Respondent

For Petitioner : M/s.P.Ganapathi Subramanian,
Advocate.
For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

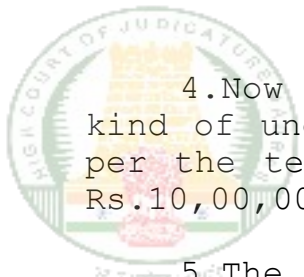
for Anticipatory Bail in Crime No.41 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b),
323 and 506(i) of I.P.C., in Crime No.41 of 2020 on the file of the
respondent police, seek anticipatory bail.

3. The first petitioner's sister is the defacto complainant.
She is a blind woman. The property in question stood in the name of
the defacto complainant and her husband. Both of them had sold it
away on 18.05.2019. A sum of Rs.20,50,000/- (Rupees Twenty Lakhs and
Fifty Thousand) was deposited in the name of the defacto
complainant. Thereafter, the money was withdrawn and a house was
purchased. In the house that was purchased with the said amount, the
defacto complainant is residing. But the house was purchased in the
name of the first petitioner. That has given rise to the instant
prosecution.



4. Now the learned counsel for the petitioner states that some kind of understanding has been arrived at between the parties. As per the terms of compromise, the petitioners have to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the defacto complainant.

5. The brother in law of the defacto complainant appeared before me. He stated that he is not interested in the amount which the petitioner is paying and that the same can very well stand in the name of the defacto complainant. It is only hoped that the money to be paid by the petitioner herein will be put in a fixed deposit and the defacto complainant will be maintained by the persons concerned, out of the interest that may accrue out of the said amount. If the parties arrived at an understanding, it is for the respondents to drop further action in the matter.

6. Recording the submission made by the learned counsel for the petitioners, I am inclined to grant anticipatory bail to the petitioners.

7. It is made clear that the relief of anticipatory bail is granted to the petitioners, only in view of the compromise that is going to be entered into between the parties. If no compromise is arrived at, it is for the defacto complainant to move this Court for cancellation of the relief granted in this petition.

8. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thuraiyur, Trichy District, and on their executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
28/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE
THURAIYUR, TRICHY DT

2 DO THRO THE CHIEF JUDICIAL
MAGISTRATE, TRICHY

3 THE SUB INSPECTOR OF POLICE
UPPILYAPURAM POLICE STATION, TRICHY DISTRICT

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

+1. CC to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No.4431

ORDER

IN

CRL OP(MD) No.2154 of 2020

Date :28/02/2020

Pnn

SMA/SKN/SAR-I/06/03/2020/2P/6C