



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2020

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PRESENT

The Hon'ble Mr.Justice P.N.PRAKASH

CRL OP(MD) . No.6997 of 2020

Senthil Kumar

... Petitioner/Accused No.1

Vs

State by Inspector of Police,
Oomachikulam Police Station,
Madurai City
In Crime No.47 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Jagadeesh Pandian
for M/s. T.Sugadev, Advocate.
For Respondent : Mr.K.K.Ramakrishnan,
Spl. Public Prosecutor
For Intervenor : Mr.Kingston Jerold
: Ms.J.Anandhavalli
Court Appointed Guardian

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.47 of 2020 on the file of the respondent police.

O R D E R

The brief facts in this case are that Senthil Kumar (A1) and his sister Meena (A2) had illegally sold a property to Rajalakshmi, the *de facto* complainant herein and after sale, possession was not given. Hence, on the complaint of Rajalakshmi, the respondent Police registered a case in Crime No.47 of 2020, for the offences under Sections 147, 148, 452, 294(b), 323 & 506(II) I.P.C., r/w Section 4 of T.N.P.H.W.Act, against Senthil Kumar and Meena.

2. It may be pertinent to state here that on the complaint given by one Premavathy, the paternal aunt of Jayaprakash, Oomachikulam Police Station registered a case in Crime No.67 of 2020, on the allegation that Senthil Kumar, Meena and some Advocates



illegally sold the properties of the special child Jayaprakash to various persons, including Rajalakshmi, the *de facto* complainant in Crime No.47 of 2020. In that complaint, Premavathy has alleged that Senthil Kumar, Meena and Rajalakshmi knew that the property belonged to Jayaprakash, despite which, they had encumbered the same. This Court appointed Ms.J.Anandhavalli, as Court Guardian for Jayaprakash and transferred the case in Crime No.67 of 2020 from Oomachikulam Police Station to CBCID, Madurai, and the case has been re-registered in Crime No.2 of 2020. It is reported that the case in Crime Nos.47 and 49 of 2020, on the file of Oomachikulam Police Station, have also been transferred to CBCID, by the order of the Director General of Police, dated 24.06.2020.

3. On the undertaking given by Senthil Kumar that he will deposit Rs.25,00,000/- (Rupees twenty five lakhs only) in the name of his stepbrother Jayaprakash and also co-operate with Ms.J.Anandhavalli to get back the properties or the money in lieu thereof that were sold by him, interim bail was granted by this Court in Crl.O.P.(MD) No.6891 of 2020, on 01.07.2020, to Senthil Kumar.

4. In view of the above, Senthil Kumar is granted bail in this case. Accordingly, he is ordered to be released on bail, subject to the following conditions:

- (i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Madurai.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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 petitioner 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]**.

sd/-

03/07/2020

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



1. THE JUDICIAL MAGISTRATE No.V, MADURAI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
OOMACHIKULAM POLICE STATION,
MADURAI CITY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.6997 of 2020
Date :03/07/2020

KRK/RR
TE/VR/SAR-III : 03/07/2020 : 3P/6C