



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/10/2020

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11107 of 2020

Ezhilarasi

... Petitioner/Accused No.1

Vs

State Rep. by its
The Inspector of Police,
District Crime Branch,
Trichy.
(Crime No.19 of 2018).

... Respondent/Complainant

For Petitioner : M/s.R.Vijayakumar, Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.19 of 2018 on the file of the Respondent Police

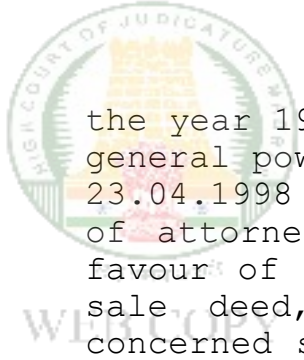
ORDER : The Court made the following order :-

The petitioner who is arrayed as A-1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 417 & 420 of I.P.C., in Crime No.19 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has purchased plots in her name and her husband's name in the 2007 through a registered sale deed, dated 30.05.2007, consisting 21 house plots, through a general power of attorney stands in the name of the petitioner's husband. Thereafter, the defacto complainant came to know that the plots have purchased by her and her husband were already sold out in the year 1997 to various persons. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that she is the only wife of A-3. She has totally three accused in this case and the petitioner was arrayed as A-1 and she is wife of A-3. He further submitted that her husband/A-3 died as early as on 29.12.2013 and in



the year 1997 - 1998, the original owners of the property executed a general power of attorney in favour of her husband dated 26.09.1997, 23.04.1998 and 29.05.1998 and on the strength of the general power of attorney sold out the house plots consisting of 21 plots in favour of the defacto complainant and her husband by a registered sale deed, dated 30.05.2007 and as far as the petitioner is concerned she had no role in these transactions between her husband and the defacto complainant at the time of sale. He further submitted that she was working as Teacher and thereafter retired from her service and after the death of her husband, now present complaint has been filed as against the death person and she has nothing to do with the offence as alleged by the prosecution and she has no way connected with the real estate business. Hence, he seeks anticipatory bail.

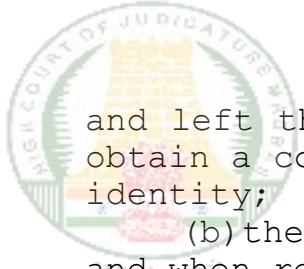
5.The learned Government Advocate (criminal side), on instructions, submitted that on the strength of general power of attorney, dated 26.09.1997, 23.04.1998 and 29.05.1998, the petitioner's husband has executed a sale deed to various persons in the year 1998 and after sold out the said plots, again very same plots sold out to the defacto complainant and her husband through a registered sale deed, dated 30.05.2007 and thereby cheated to the tune of Rs.10,50,000/-. He further submitted that the real estate business was running the name and style of 'Sri Angalaparameswari Real Estate' in which the petitioner is a Managing Director and A-2 is working as manager and inadvertently, the respondent police has registered the case as against the husband of the petitioner, even without knowing the fact that he was died as early as on 29.12.2013.

6.Considering the fact and circumstances of the case and considering the fact that, admittedly the petitioner's husband had executed a sale deed in favour of various persons in the year 1998 on the strength of the general power of attorney dated, 26.09.1997, 23.04.1998 and 29.05.1998 executed by owners and thereafter the petitioner's husband has executed a sale deed dated 30.05.2007 in favour of the defacto complainant and her husband and therefore, this petitioner is nothing to do with the said transactions and she happens to be the wife of the deceased accused No.3 and she was robbed in this crime and though, she is a Managing director of 'Sri Angalaparameswari Real Estate' she has not involved in the alleged transaction, hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, Trichy District, and on her 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,

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

(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 appear 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 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]; and;

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

sd/-

09/10/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.11107 of 2020

Date : 09/10/2020