



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

Date : 17/12/2020

PRESENT

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

CRL OP(MD).No.15019 of 2020

1.Syed Mustaq Ahamed ... 1st Petitioner/Accused No.1
2.Munirabegum ... 2nd Petitioner/Accused No.2

Vs

State Rep.by,
The Inspector of Police,
Thilagarthidal Police Station,
Madurai City,
Madurai.

Crime No.1986 of 2020.

... Respondent/Complainant

For Petitioners: Mr.C.Karthik,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Senthilkumar
Advocate.

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

PRAYER :-

For Anticipatory bail in Crime No.1986 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 & A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 420 IPC, in Crime No.1986 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the paternal aunt of A1. After selling all the property stands in her name, she deposited the amount in her account. While being so, when the defacto complainant agreed to pay a sum of Rs.1,00,000/- to the petitioners she had been taken to the Bank and transferred the entire amount, which was lying in the fixed deposit belonged to the defacto complainant, were transferred to the second



accused account, who is none other than the wife of the first accused. She further alleged that the accused have also forged the sign in the Will stating that she executed a Will in front of Notary Public in respect of the amount. Hence, the case has been registered.

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

4. The learned counsel appearing for the petitioners submitted that the petitioners are arrayed as A1 and A2. The first accused is none other than the defacto complainant's sister's son. The petitioners taking care of the defacto complainant and they spent more than Rs.5,00,000/- for surgery undergone by the defacto complainant and in fact she is under the care of the petitioners herein. The defacto complainant voluntarily executed a Will in favour of the petitioners in respect of amount lying in her account. Therefore, she had come herself and was willing to transfer the amount. Accordingly, the amount was transferred in their account. Therefore, they have nothing to do with the offence as alleged by the prosecution. He further submitted that to show their *bona fide*, the petitioners are ready and willing to deposit a substantial amount to the defacto complainant's account.

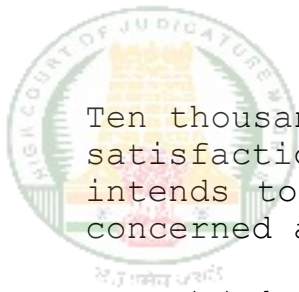
5. The learned Government Advocate (Crl. Side), on instructions, submitted that

6. It is seen that the petitioners are arrayed as A1 and A2. The defacto complainant is none other than the paternal aunt of the first accused. Though the allegations are serious in nature, now the petitioners are ready and willing to deposit substantial amount to the defacto complainant's account.

7. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioner shall deposit a sum of Rs.10,00,000/- (Rupees Ten lakhs only) to the defacto complainant's account within a period of two weeks from the date of receipt of copy of this order, failing which, the anticipatory bail granted to the petitioners shall stand automatically cancelled; and the first respondent shall secure the petitioners and proceed in accordance with law.

9. On such deposit the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Madurai, on condition that the



Ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.00 a.m., without fail, for a period of Two Weeks and thereafter as and when required for interrogation;

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

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

(d) 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]; and;

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

sd/-
17/12/2020

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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, MADURAI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,

<https://hcservices.madras.gov.in/dfservlet>



3.THE INSPECTOR OF POLICE,
THILAGARTHIDAL POLICE STATION,
MADURAI CITY, MADURAI.

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

+1. CC to MR.R.SENTHILKUMAR, Advocate SR.No.8340

ORDER
IN
CRL OP(MD) No.15019 of 2020
Date :17/12/2020

VSD

PK/SMA/SAR-II/23.12.2020 : 4P/6C