

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.1203 of 2020

1. S.Kotaiya ... Petitioners/Accused
2. Indira Devi
3. Padmavathy
4. Vasumathi
5. Haribabu

Vs.

The State rep by its ... Respondent/Complainant
Inspector of Police, (L &O)
M-1, Madhavaram Police Station
Madhavaram, Chennai-600 060.
(Crime No.773/2019)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioners/accused on anticipatory bail from apprehending arrested in Crime No.773 of 2019 pending on the file of the Inspector of Police, (L & O), M-1 Madhavaram Police Station.

For Petitioners : Mr. Ilamvazhidhi, S.C. For M/s.Suresh & D.Prabu for P1 to P3

Mr. Selvendran for P4 & P5

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 363, 406, 380, 465, 468, 471 & 506(1) IPC in Crime No.773 of 2019, seek anticipatory bail.

2. The allegation in the complaint is that the property originally was allotted by Tamilnadu Slum Clearance Board in favour of one Sugreevulu, who is the father-in-law of the defacto complainant. The petitioners were brother and relatives who are taking care of the said Sugreevulu. Out of coercion and threat, he said to have executed a settlement deed in respect of the alleged property in favour of 1st petitioner. Hence, the complaint.

3.Mr.Ilamvaludhi, the learned senior counsel for petitioners 1 and 3 would submit that originally the allotment order was issued in the year 2000 in favour of Sugreevulu. Subsequently, out of love and affection, the said Sugreevulu settled the property in favour of 1st petitioner. He would further submit that the defacto complainant, daughter-in-law of Sugreevulu has already having the property at Madhavaram which was owned by Sugreevulu. Mr.Selvendran, the learned counsel for petitioners 4 and 5 would submit that the petitioners were taking care of the Sugreevulu and that the entire documents would show that the property was settled in favour of 1st petitioner by love and affection. The learned counsel would submit that the petitioners are innocent and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.Mr.M.Gnanasekar, the learned counsel for the Intervenor would submit that the petitioners are relatives of father-in-law of the defacto complainant. Taking advantage of the relationship, the petitioners arranged second marriage with one Mahalakshmi aged about 65 years with Sugreevulu who was aged about 80 years on 24.05.2019 and thereafter, the petitioner forcibly obtained a settlement deed in their favour.

5.The learned Additional Public Prosecutor would submit that investigation is almost over.

6.Heard the rival submissions of the learned counsel for the petitioners, intervenor and the learned Additional Public Prosecutor for the State.

7. On perusal of the records, it is seen that Sugreevulu was taken care during his lifetime by the petitioners herein. Thereafter, the settlement deed was executed in favour of 1st petitioner being his brother and also taking care of him. Whether the said Sugreevulu settled the alleged property in favour of 1st petitioner out of love and affection or coercion or compulsion is the matter to be decided by the Civil Court and it is purely a civil nature. If the defacto complainant has any grievance over the settlement deed, it is open to the parties to approach before the civil forum and resolve their disputes.

8. Taking into consideration the nature of offence and also taking note of the above said submissions, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Madhavaram, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) 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 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 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.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
25/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

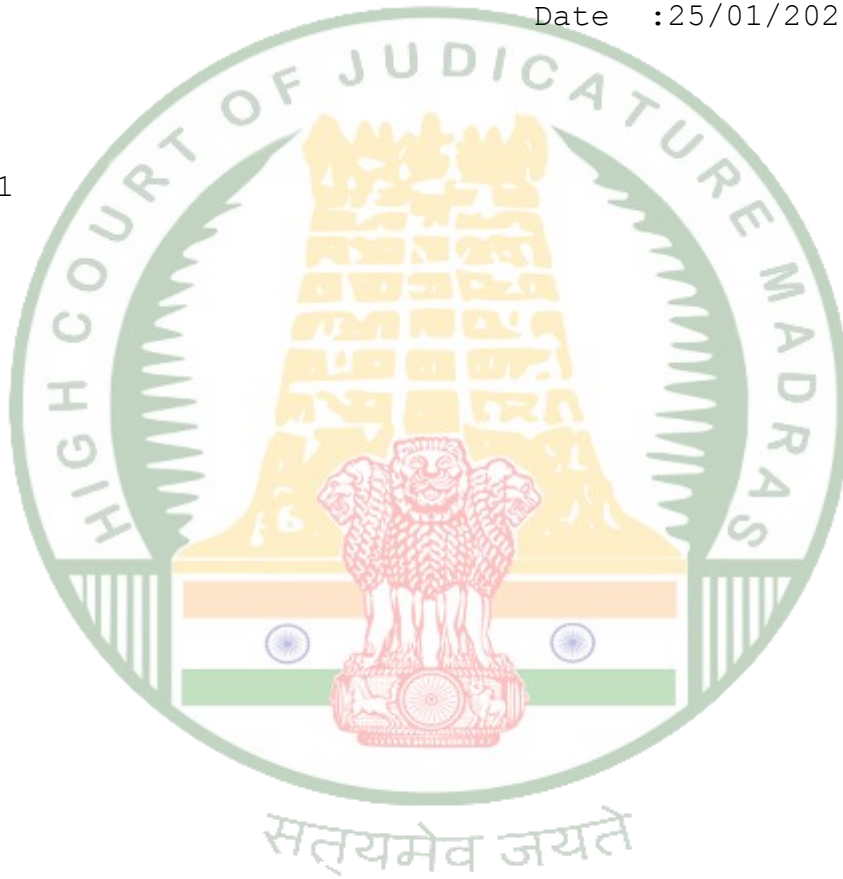
4 THE INSPECTOR OF POLICE (L AND O),
M-1, MADHAVARAM POLICE STATION,
MADHAVARAM, CHENNAI-600 060.

+1 CC to M/S.D.PRABU Advocate on payment of necessary charges
SR NO. 913

CRL OP.1203/2020

Date :25/01/2021

MN-04/02/2021



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