

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.2619 of 2021

1. G. Geetharani
2. D. Usha Nandhini
3. D. Dhayalan

... Petitioners

Vs

State represented by
Inspector of Police,
City Crime Branch,
Coimbatore City,
Coimbatore District.
(Crime No.6 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on in the event of their arrest concerned in Crime No.6 of 2021, on the file of the respondent police.

For Petitioner : Mr.R. Surya Prakash

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120 B, 380, 467, 468 and 471 of IPC, in Crime No.6 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. There are totally 3 accused in this case. The first petitioner is the daughter-in-law of the defacto complainant. It is alleged that the first petitioner along with her family members came to the house of the defacto complainant and threatened her to transfer the properties in her name and also taken the original property documents with her. Subsequently, the defacto complainant received a notice wherein it has been stated that the defacto complainant had pledged all her properties and jewels and received cash consideration for the same. According to the defacto complainant she has not pledged any documents and her daughter-in-law/first petitioner along with other accused have pledged the property in the name of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit the defacto complainant is the mother-in-law of the first petitioner, who always harass her for which a complaint was initiated under Domestic Violence Act in Dvc.No.577 of 2019 and the same is pending. He would further submit that the husband of the first petitioner died and she is living separately with two children and she has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the the petitioners have created forged documents which reveals that the defacto complainant had pledged the properties. He would further submit that now a notice under Section 41(A) of Cr.P.C has been issued to the petitioner. However, he opposed for the grant of anticipatory bail to the petitioner.

5. Taking into consideration, the facts and circumstances of the case and the complainant under Domestic violence Act is pending and Section 41(A) of Cr.Pc has been issued to the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6. 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 made ready, before the learned Judicial Magistrate no.7, Coimbatore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties 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 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].

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
15/02/2021

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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE NO.7,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
COIMBATORE CITY,
COIMBATORE DISTRICT

+1CC to M/S.R.SURYA PRAKASH Advocate on payment of necessary charges SR NO.1694

CRL OP.2619/2021

Date :15/02/2021

MK:24/02/2021

WEB COPY