



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/06/2021

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PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.2414 of 2021

Deva Shanthakumari ... Petitioner/Accused No.1

Vs

State through
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
(Crime No.79/2021).

... Respondent/Complainant

For Petitioner : Mr.Jeyakumaran.J.,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.79/2021 on the file of the Respondent police.

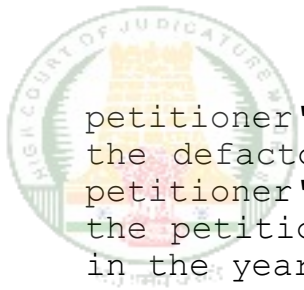
ORDER : The Court made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC in Crime No.79 of 2021 on the file of the respondent police, and seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Counsel(Crl.side) for the respondent police.

3. The case of the defacto complainant is that she filed a suit for specific performance in O.S.No.9 of 2006 against the brothers of the petitioner's husband and obtained a decree and also it was executed. Her grievance is that the petitioner after obtaining a gift deed from her husband, sold the property covered in the decree in favour of the third party in the year 2018.

4.The case of the petitioner is that the property belonged to the petitioner's father-in-law. The petitioner's father-in-law had



petitioner's brother-in-laws alone entered into an agreement with the defacto complainant in respect of their shares. As far as the petitioner's husband is concerned, the same was settled in favour of the petitioner. The petitioner sold the property to the third party in the year 2018.

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5.It appears that the petitioner has not received any consideration from the defacto complainant. If according to the defacto complainant the petitioner had sold their property, then the case would rest entirely on documentary evidence and it does not warrant any custodial interrogation. I find substance in the petitioner counsel's contention.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate, Tenkasi and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioner shall report before the respondent police as and when required for interrogation;

[c]the petitioner shall not abscond either during investigation or trial;

[d]the petitioner shall not tamper with evidence or witness 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 thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
11/06/2021

/ TRUE COPY /

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/ /2021

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, TENKASI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE,
TENKASI POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2414 of 2021
Date :11/06/2021

CP
JM/JC/SAR III/21.06.2021/3P/5C