



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

Date : 30/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

WEB COPY

CRL OP(MD). Nos.7663 and 7484 of 2021

1. Velavendhan

2. Rajalakshmi

... Petitioners/Accused No.2 & 3
in Crl.O.P.(MD)No.7663 of 2021

Vijayanirmala

... Petitioner/Accused No.4
in Crl.O.P.(MD)No.7484 of 2021

Vs

State of Tamil Nadu

Rep by the Inspector of Police,

Lalapet Police Station,

Karur District

Crime No. 155/2021.

... Respondent/Complainant
in both petitions

For Petitioners : Mr.Vamanan K, Advocate.
in Crl.O.P.(MD)No.7663 of 2021

For Petitioner : Mr.V.KARUNA, Advocate.
in Crl.O.P.(MD)No.7484 of 2021

For Respondent : Mr.E.Antony Sahaya Prabahar,
(in both petitions) Additional Public Prosecutor

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

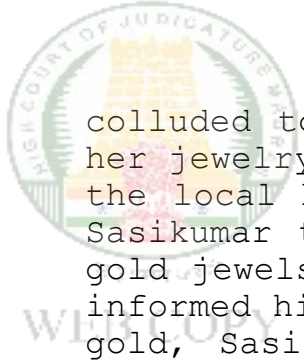
COMMON PRAYER :-

For Anticipatory bail in Crime No.155 of 2021 on the file of
the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of
the respondent police for the alleged offences punishable under
Sections 406 and 420 of IPC in Crime No.155 of 2021 on the file of
the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant
is the adopted son of one Chellammal, who died on 28.03.2021. The
<https://hcservices.ecourts.gov.in/hcservices/>
said Chellammal was working in Health Department as an Office
Assistant, A1/Sasikumar, A2/Velavanthan and A4/Vijayanirmala



colluded together and with an intention to cheat the Chellammal of her jewelry. Told her that A4/Vinjayanimrmla was going to contest in the local body election. She needs money for facing the election. Sasikumar told Chellammal that she had pledged his 8 sovereigns of gold jewels at the rate of 29,000/- per sovereign. When Chellammal informed him that she had no money and was having 16 ½ sovereigns of gold, Sasikumar told that he would arrange loan. In this regard, Sasikumar took the Chellammal to Muthoot Finance and had opened a new account in her name and obtained jewel loan for a sum of Rs.2,29,900/-. Thereafter, the first accused did not hand over the 8 sovereigns of gold jewels after receiving the cash. When Chellammal demanded the jewelry on 19.03.2021, A1 made arrangement for creating usufructuary mortgage in respect of 1 acre 1 cents of land belongs to Vijayanirmmla. For the said transaction, A1 got Rs.1,50,000/- from Chellammal. When she visited the land, she found that the land was in the possession and enjoyment of some other persons. Thereafter, she approached the Muthoot Finance to redeem the jewel loan. The banker informed that the jewel had been redeemed by the first accused. The accused, especially, Sasikumar/A1 and Vijayanirmmla cheated the jewels of Chellammal and cash of Rs.1,50,000/-. Deeply upset over that, she died. Therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the first accused was arrested and then released on bail and these petitioners have no connection with whatever the offences committed by the first accused. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal side) for the respondent strongly opposed this petition on the ground that investigation in this case is not yet completed and the jewels and cash were not recovered.

5.As narrated above, the entire allegations made in the First Information Report alleges that A1/Sasikumar alone had received the jewels and cash from the deceased Chellammal. The only allegation against the petitioners Velavanthan and Rajalakshmi is that they accompanied A-1 to Muthoot Finance. Apart from this allegation, there is no allegation against Velavanthan and Rajalakshmi. Even in the allegation against Vijayanirmmla is that there is no specific mention that she had received jewelry or cash from the Chellammal. A1/Sasikumar alone had, using the name of Vijayanirmmla, informed Chellammal that Vijayanirmmla was going to contest in the local body election. It is clear from the above that there is no specific mention that Vijayanirmmla had personally asked the Chellammal to part with jewelry or cash.

6.Taking into consideration all these facts and circumstances of the case and the fact that the first accused is the prime accused in this case and he was arrested and remanded to jail and that the



allegation against the petitioners is to be proved on the basis of the oral and documentary evidence before the trial Court, this Court is of the considered view that the custodial interrogation of the petitioners is not necessary in the present stage.

7. In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Kulithalai, Karur District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 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 10.30 a.m., until further orders;

[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/-
30/06/2021

/ TRUE COPY /

/ /2021



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 NO.1,
KULITHALAI, KARUR DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
LALAPET POLICE STATION, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) Nos.7663 and 7484 of 2021
Date : 30/06/2021

VB/AKM/SAR.IV/06.07.2021/4P/5C