



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2021

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PRESENT:

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8210 of 2021
(Through Video Conference)

1. Keerthana
2. Prithiviraj

... Petitioners/Accused No.4 & 5

Vs

State rep. by
The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.
Crime No.350/2021.

... Respondent/Complainant

For Petitioners :Mr.N.Ananthapadmanabhan
for M/s.APN Law Associates
For Respondent :Mr.E.Antony Sahaya Prabakar
Additional Public Prosecutor

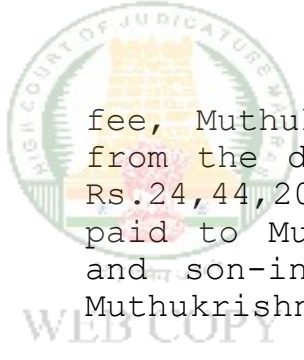
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER:- For Anticipatory Bail in Crime No.350/2021 on the file of the respondent police.

ORDER: The Court made the following order :-

The petitioners/accused 4 & 5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 406, 420, 294(b), 506(1) of IPC and Section 4 of the Prohibition of Harassment of Women Act, 2002 in Crime No.350 of 2021, seek anticipatory bail.

2. The case of the de-facto complainant is that on 21.08.1970 her father purchased a property in Karaikudi and after the death, her father was enjoying the property. The property was encroached by one Meenakshi Sundaram and he was trying to construct a building. Mr.Muthukrishnan, who is known to the family of the de-facto complainant, and used to act as an Acting Driver, came to their aid and he promised to thwart the effort of encroachment by Meenakshi Sundaram. For that purpose, he wanted the de-facto complainant's father to execute a power deed in his name. Accordingly, a general power deed was executed in favour of Muthukrishnan. Stating that he has to pay to higher officials, Court expenses and towards Advocates



fee, Muthukrishnan started receiving money from 23.01.2010 onwards from the de facto complainant, he has totally received a sum of Rs.24,44,200/- On 17.10.2020, again a sum of Rs.5,00,000/- was paid to Muthukrishnan's wife Viji, Son Sabari, daughter Keerthana and son-in-law Prithivraj. Totally, they paid Rs.29,44,200/- to Muthukrishnan and his family members.

3. On 12.05.2021, Muthukrishnan again demanded Rs.5,00,000/- from the de-facto complainant. Knowing that nothing had been moved inspite of paying lot of money, the de-facto complainant demanded the money given to Muthukrishnan to be paid back to her on 12.05.2021. Muthukrishnan came to the house of the de-facto complainant and scolded using filthy language and also criminally intimidated. He was also joined by other accused in this case. Therefore, this case came to be registered on the basis of the complaint given by the de-facto complainant.

4. This Anticipatory Bail Petition is filed on behalf of A4 and A5, who are the daughter and son-in-law of Muthukrishnan. Learned counsel for the petitioner produced the typed set of papers to show that the marriage between Keerthana and Prithivraj was celebrated only on 30.10.2020. Therefore, it is highly impossible for the de-facto complainant to pay a sum of Rs.5,00,000/- on 17.10.2020. He is innocent and implicated falsely just to harass him.

5. The learned Additional Government Pleader opposes this petition on the ground that the investigation of the case is not completed.

6. The perusal of the materials available (I.e.) the First information Report, marriage invitation, photo which were taken at the time of marriage shows that the marriage between Keerthana and Prithivraj had taken place only on 30.10.2020. Therefore, it is highly doubtful as to whether the de-facto complainant could have paid Rs.5,00,000/- to Prithivraj on 17.10.2020. Therefore, this Court is of the considered view that the petitioners have made out a case for granting Anticipatory Bail.

7. Taking into consideration the facts and circumstances of the case, 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, Karaikudi 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/-

24/06/2021

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

ORDER IN

CRL OP(MD) No.8210 of 2021

Date :24/06/2021