



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.10.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.15769 of 2021

Syedali Fathima

... Petitioner/Accused No.2

Vs

State Rep by
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
(Crime No. 1/2012)

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick, Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2012 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 405, 415, 420, 465, 468, 471, 120(b) IPC, in Crime No.1 of 2012, seeks anticipatory bail.

2.The prosecution case is that the first accused, on the pretext of getting power of attorney from the defacto complainants, who are her sisters, got their signatures in the release deed and executed a settlement deed in favour of her daughter / petitioner herein [A2], who, in turn, sold the property to the third accused.

3.Learned Counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offence as alleged by the prosecution. She is the daughter of the first accused and the settlement deed has been executed in her favour.



4.Learned Counsel further submitted that considering the facts and circumstances of the case, this Court has already granted anticipatory bail to the petitioner in Crl.OP(MD)No.1775 of 2012, dated 15.02.2012. But this petitioner failed to produce the sureties, on the false assurance given by the respondent police that since it is a family dispute, they would close the case. But now, they are intending to file the final report and therefore, she has moved this application.

5.The petitioner's Counsel further submitted that the petitioner has realized the mistake. But the mistake is *bona fide*, on the false assurance given by the respondent police. Therefore, he has advised the petitioner to pay some penalty. He further submitted that the petitioner is willing to pay a sum of Rs.10,000/-, to any organization, as directed by this Court.

6.Heard the learned Additional Public Prosecutor appearing for the respondent police as well.

7.Considering the facts and circumstances of the case, the relationship of the parties, the grant of anticipatory bail to the petitioner as early as on 15.02.2012 in Crl.OP(MD)No.1775 of 2012 and the willingness of the petitioner to pay a sum of Rs.10,000/-, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition is allowed on condition that **the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) in favour of Aum Pranava Ashram Trust, SB A/c.No.10955561364, IFSC Code: SBIN0000928, Tenkasi,** without prejudice to her rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate No.I, Tirunelveli.

8.On production of receipt / acknowledgement for having paid the amount, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.



[d]the petitioner shall not abscond either during the 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gk

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.I, Tirunelveli.
2. Do Through The Chief Judicial Magistrate, Tirunelveli.
- 3.The Inspector of Police, City Crime Branch, Tirunelveli City.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Copy to
The Officer Incharge,
Aum Pranava Ashram Trust, Tenkasi

ORDER IN
CRL OP (MD) No.15769 of 2021
22.10.2021

TR/SKN/SAR-I (02.11.2021) 3P 6C