



WEB COPY

CRL OP(MD). No.15488 of 2020

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

Date : 25/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.15488 of 2020

N.RAMESH KANNAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME No. 335 OF 2020)

... RESPONDENT/COMPLAINANT

1.V.NAVANATHAN
2.N.RENUGA

... PETITIONERS/INTERVENERS
in CRL MP(MD)No.204 of 2021
in CRL OP(MD)No.15488 of 2020

1.MINOR.AULIA FAHSANVEL
2.MINOR.RAJNISH SYAMILAVEL
PETITIONERS BOTH ARE MINORS REPRESENTED
THROUGH THEIR MOTHER AND NATURAL GUARDIAN

SURYANENGSIH

... PETITIONERS/INTERVENERS
in CRL MP(MD)No.667 OF 2021
in CRL OP(MD)No.15488 of 2020

PRADEEPA

... PETITIONER/INTERVENER
in CRL MP(MD)No.839 of 2021
in CRL OP(MD)No.15488 of 2020

For Petitioner

: Mr.G.PRABHU RAJADURAI Advocate

For Respondent

: Mr.R.SRINIVASAN,
Government Advocate (Crl.side)

For Intervenor

: Mr.V.THIRUMAL, Advocate
IN CRL MP(MD)Nos.204 & 667 OF 2021
IN CRL OP(MD)No.15488 of 2020

: Ms.PRADEEPA, Petitioner in person
in CRL MP(MD)No.839 of 2021
in CRL OP(MD)No.15488 of 2020



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

PRAYER :-

For an Anticipatory Bail in Crime No. 335 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners, the learned counsel for the interveners and the learned Government Advocate(Crl. Side) appearing for the respondent.

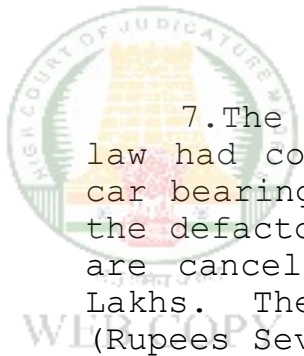
2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 448, 380 and 506(ii) of I.P.C., in Crime No.335 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The defacto complainant is present before this Court. The learned counsel for the petitioner submitted that defacto complainant initially lodged a complaint stating that on 22.09.2019, the petitioner herein had taken the car informing her that the car is needed for her mother-in-law and father-in-law by promising that he would return the same within a period of one week. Thereafter, the car has not been returned. Later it is alleged that car was taken forcibly. This is the contention of defacto complainant on her complaint dated 14.12.2020. The enquiry was conducted and the respondent called both the parties to compromise the issue, since they belong to one family. Compromise was not arrived at. Thereafter, the present complaint is registered. The defacto complainant further stated in the complaint that her brother-in-law namely., Ramesh Krishan had trespassed into the house and threatened her and thereafter had driven away the car and the same is in his possession.

4.During the pendency of this case, the defacto complainant, mother-in-law and father-in-law appeared before this Court in person. In the meanwhile, the mother-in-law and father-in-law also filed intervening petitions. This Court tried its best to resolve the issue between the parties. The same has gone in vain.

5.The contention of the father-in-law and mother-in-law of the defaco complainant is that they are willing to settle the properties, which belong to the defacto complainant and her son.

6.The defacto complainant now produced the RDO report. It is seen therefrom that the defacto complainant, her son, father-in-law and mother-in-law are legal heirs of the deceased/Tamilvel.



7.The defacto complainant and her father-in-law and mother-in-law had come to an understanding with regard to the Innova Crysta car bearing registration TN 63 BE 8887, which stands in the name of the defacto complainant's husband. All the hypothecation attachments are cancelled. Both of them valued the car to the tune of Rs.15 Lakhs. The defacto complainant agrees to pay a sum of Rs.7,50,000/- (Rupees Seven Lakhs and Fifty Thousand Only) to the mother-in-law by way of demand draft within a period two weeks from the date of receipt of a copy of this order. The petitioner, mother-in-law, father-in-law and the other legal heirs, who are present are directed to give no objection certificate and hand over the car with delivery note and requisite Forms 29 and 30 to enable her to make changes in the registration certificate with the transport authorities. In view of the allegation and counter allegation and claim with regard to legal heirship for Tamilvel. This Court is cautiously not expressing any view on the same.

8.In view of the aforesaid understanding and compromise, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)The petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/03/2021

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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, DEVAKOTTAI.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.J.JAWAHAR, Advocate (SR-2564[I] dated 26/03/2021)
+1 CC to Mr.G.PRABHU RAJADURAI, Advocate (SR-2573[I] dated 26/03/2021)
+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-2610[I] dated 26/03/2021)

ORDER
IN
CRL OP(MD) No.15488 of 2020
Date :25/03/2021

IAS

AE/JC/ (01/04/2021) 4P / 8C