



WEB COPY



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

Date : 08/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.12060 of 2022

1. A.Baskaran
2. B.Deepak Amartnath ... Petitioners/Accused
No.3 & 4

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Crime.No.4 of 2022). ... Respondent/Complainant

For Petitioners : M/s.S.Gokul Raj, Advocate
for M/s.Mohankumar.G, Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 406, 420, 380, 506(1) IPC in Crime No.04 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the de-Facto Complainant, is that she is the wife of one Vijayasundar, S/o. Raveendran and that her father-in-law had two brothers and all the three had joint family property and business in the name and style of "Raveendra



Fireworks" and there was a partition among brothers. After the demise of father-in-law of the defacto complainant, she and her husband and mother-in-law were managing the business by availing loan from Bank. In the circumstances, the defacto complainant's husband died on 05.07.2018 and that the accused persons prevented the defacto complainant from running her business by damaging the articles and locking the premises. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that because of the property dispute between family members, a false case has been given against the petitioners. He would further submit that based on the reference under Section 156(3) Cr.P.C., this case has been registered against the petitioners and seeks anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that totally seven accused involved in this case and the petitioners herein are arrayed as A3 and A4 and the the defacto complainant is the daughter-in-law of the younger brother of first accused and the husband of the defacto complainant died on 05.07.2018 and he is a member of the joint family. He would further submit that after the demise of the defacto complainant's husband, the accused persons have taken away the joint family properties and cheated the defacto complainant and hence, he strongly opposed to to grant anticipatory bail to the petitioners.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the case and that it is a case of dispute between members of the joint family, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that the petitioners shall execute 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, failing which, the petition for anticipatory bail shall stand dismissed 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., for a period of two weeks and thereafter, once in a week i.e., on every Saturday at 10.30 am 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 absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-

08/12/2022

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/12/2022

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

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. MOHANKUMAR.G Advocate SR.No.14567

ORDER

IN

CRL OP(MD) No.12060 of 2022

Date :08/12/2022