



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31.03.2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD)No.6115 of 2023

1.Irine Premalatha @ Jerin Premalatha

2.Premson ... Petitioners/Accused 1 & 2

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.
(In Crime No.10 of 2023)

... Respondent/Complainant

For Petitioners : Mrs.A.Elis Chitra Devi, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.10 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 419, 420, 465, 468 and 471 IPC in Crime No.10 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the wife of the defacto complainant and the second petitioner is the brother of the first petitioner. The petitioners, without knowledge of the defacto complainant, fraudulently changed the photo found in Adhaar card of the defacto complainant and cheated him by impersonating him and putting his signature and thumb impression at Sub Register Office, Marthandam and mortgaged the property jointly owned by the first petitioner and the defacto complainant for a sum of Rs,2 Lakhs at Mahindra Rural Housing Finance Ltd, Marthandam. Hence the case.



3. Heard both sides and perused the materials available in the record.

4. It is seen that the subject property was purchased by the first accused and the defacto complainant. Thereafter, there was misunderstanding between them and as such, the first petitioner driven out from the matrimonial home. Hence, she lodged a complaint before the All Women Police Station, Marthandam and on so many occasions, enquiry was conducted. However, the defacto complainant failed to maintain the first accused, who is his wife. Therefore, both the petitioner mortgaged the property by impersonating the defacto complainant and borrowed a sum of Rs.2,00,000/- and the said amount was utilised for her maintenance. Therefore, the defacto complainant lodged the present complaint. The property now mortgaged in favour of third party for a sum of Rs.2 Lakhs and that too only for her maintenance. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

5. 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, Kuzhithurai, Kanyakumari 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

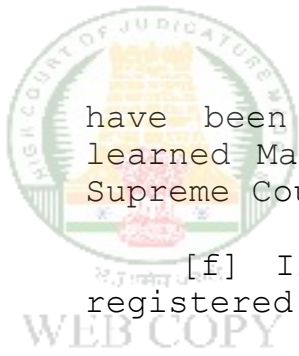
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the second petitioner shall report before the respondent Police, daily at 10.30 A.M., for a period of two weeks and thereafter, as and when required for interrogation and the first petitioner shall report before the respondent police as and when required;

[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. 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/-

31/03/2023

/ TRUE COPY /

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

GNS

TO

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

+1. CC to A.ELIS CHITRA DEVI Advocate SR.No.5251

ORDER

IN

CRL OP(MD) No.6115 of 2023

Date :31/03/2023

SA/BUC/SAR.1/17.04.2023/3P/6C