



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/04/2023
PRESENT

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

CRL OP(MD) . No.7015 of 2023

V.Seethalakshmi

... Petitioner/Accused 6

Vs

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

... Respondent/Complainant

For Petitioner : Mr.M.Solaisamy, Advocate
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

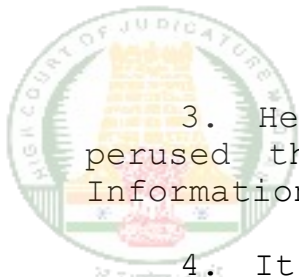
PETITION FOR Anticipatory BAIL Under Sec.438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.4 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120B, 406, 420, 380 and 506(1) of I.P.C., in Crime No.4 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, his husband and mother-in-law were running fireworks factory at Sivakasi. They availed loan from State Bank of India, Sivakasi Branch. Due to the death of defacto complainant's husband, the factory was closed. The company has to pay an amount of Rs.3 Crores in respect of bank loans, employees' salary, dues of Employees State Insurance (ESI) & Provident Fund. Hence, the defacto complainant and her mother-in-law sold a property for an amount of Rs.8,60,00,000/- (Rupees Eight Crores and Sixty Lakhs only) to settle the dues. The petitioner and others involved in settlement and misappropriated. Further, they stole the labels, furniture etc., when the same was questioned by the defacto complainant, the petitioner and others threatened her with dire consequences. Hence, the complaint.



3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that the defacto complainant and the accused persons are family members and there is a property dispute between them and all the allegations are civil in nature. Therefore, the custodial interrogation of the petitioner does not require.

5. In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 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 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 the 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 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/-

17/04/2023

/ TRUE COPY /

/04/2023

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



RMK

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 Mr.M.SOLAISAMY Advocate SR.No.21515 **(F)** Dt.17/04/2023.

ORDER

IN

CRL OP(MD) No.7015 of 2023

Date :17/04/2023

SA/SSS/SAR.2/26.04.2023/3P/6C