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Crl.O.P.(MD)N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.03.2023

PRESENT

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

CRL OP(MD)Nos.12767, 10270 & 10292 of 2022

R.Vanithamani	... Petitioner
	in Crl.O.P.(MD)No.12767 of 2022
K.Shankar	... Petitioner
	in Crl.O.P.(MD)No.10270 of 2022
A.C.Vishnuram	... Petitioner
	in Crl.O.P.(MD)No.10292 of 2022

Vs

1.The State,
Rep.by Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.
(Crime No.04 of 2022)

... Respondent / Complainant
in all Crl.O.Ps.

2.Selva Sridevi

... Petitioner / Intervener /
Defacto Complainant
in CRL MP(MD) Nos.6757, 6759
and 8300 of 2022

in Crl.O.P.(MD)No.12767 of 2022

For Petitioner : Mr.S.Muthukumar

in Crl.O.P.(MD)No.10292 of 2022

For Petitioner : Mr.M.Solaisamy

in Crl.O.P.(MD)No.10270 of 2022

For Petitioner : Mr.M.Solaisamy

(in all Crl.OPs.)

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

(in all Crl.OPs.)

For Intervenor : Mr.M.Jagadeesh Pandian

<https://www.mhc.tn.gov.in/judis>



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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.04 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners/A2, A5 & A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 420, 380 and 506(i) IPC in Crime No.04 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, her husband and A5 were running fire works factories at Sivakasi. They availed loan from State Bank of India, Sivakasi Branch. The factory was closed after the demise of the defacto complainant's husband. The company has to pay a sum of Rs.3 crores in respect of loans, provident fund, employees' salary, dues of employees state insurance. Hence, the property was sold for a sum of Rs.8,60,00,000/- to settle the issue. However, the accused persons misappropriated the amount and trespassed into the defacto complainant's factory and stole the labels, furniture. When the same was asked by the defacto complainant, the accused persons threatened her with dire consequences. Hence the case.

3.Heard and perused the materials available in the records.

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, custodial interrogation of the petitioners does not require.

5.In view of the above, 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 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 petitioner/A5 in Crl.O.P.(MD)No.12767 of 2022 shall report before the respondent police as and when required and the petitioners/A7, A2 in Crl.O.P.(MD)Nos.10292 & 10270 of 2022 shall report before the respondent police daily at 10.30 A.M., for a period of three weeks and thereafter, as and when required for interrogation;

[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/-

10/03/2023

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/03/2023

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

GNS

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.

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+1 CC to M/s.MUTHUKUMAR.S, Advocate (SR-4148[I] dated 14/03/2023)

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-4146[I] dated 14/03/2023)

+1 CC to M/s.M.SOLAISAMY, Advocate (SR-4147[I] dated 14/03/2023)

ORDER

IN

CRL OP(MD) Nos.12767, 10270
and 10292 of 2022

Date :10/03/2023

ED/MMS/SAR-2 (20/03/2023) 4P 8C