



Crl.OP(MD)No.12176 of 2023

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

Dated: 18/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.12176 of 2023

Iswarya

... Petitioner / Accused No.2

Vs.

The Inspector of Police,
District Crime Branch,
Thanjavur.

... Respondent / Complainant

For Petitioner : Mr.K.R.Laxman, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervenor : Mr.A.Balaji, Advocate

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

PRAYER:- For Anticipatory Bail in Crime No.121 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioner, who is arrayed as A2 apprehends arrest at the hands of the respondent police for the offences punishable under sections 120(B), 406, 420 and 506(i) IPC, in Crime No.15 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the de-facto complainant lodged a complaint stating one Sivalingam approached him stating that he is a Land Broker and informed him that one Arunachalam Chettiar is having land for sale. In January-2021, they went to Arunachalam Chettiar's house. At that time, his son namely Anand and his wife were available. Arunachalam Chettiar introduced himself stating that he is the owner of Umaiyal Medicals. He also stated that the property in TS No.228 measuring about 4500 square feet situated in Thanjavur Municipal Colony belongs to his family friend, one Balamurugan and his wife Nathiya. He assured him that he will make arrangement for the sale of the above said property. On 03/02/2021, they went to the Sivalingam's house. At that time, one Balamurugan, who belongs to Sudamanipuram was introduced. He stated that he owns the above said property stated by Arunachalam Chettiar. Sale price was fixed and Encumbrance Certificate was also obtained. Money was also paid and registered sale agreement was also entered into between the parties. The balance amount of Rs.58,000,000/- remains to be paid. The above said Balamurugan stated that he required money immediately and the money was transferred in the account of his wife Nathiya and Rs.10,00,000/- was also paid in cash. Arunachalam Chettiar died, on 23/11/2021. Later also, he transferred money in the account of Nathiya. On verification of the Bank account, it came to light it belongs to Iswarya. They again



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approached the above said Balamurugan and demanded money back. Rs.2.50 Lakh was returned from his wife's account and the balance amount was agreed to pay within six months. The balance amount of Rs.20,00,000/- was not paid. When the money was demanded, he was abused and criminally intimidated. On the basis of the above said occurrence, a case in Crime No.15 of 2023 was registered for the offence under section 120-B, 406, 420 and 506(i) IPC.

3.Pending investigation, A2 namely Iswarya filed this petition on the ground that even as per the allegation made in the FIR, there is no implication against her.

4.The learned counsel appearing for the petitioner would submit that the husband of the petitioner was acting only as a Mediator in the above said transaction and money was received only by the deceased Arunachalam Chettiar and he has received Rs.2,50,000/- as mediator charges and that was also returned to the de-facto complainant; There was dealing between the de-facto complainant and the above said Arunachalam Chettiar. After the death of the Arunachalam Chettiar, this complaint has been filed in implicating her husband and this petitioner.

5.On going through the allegations made in the FIR, this court is not satisfied the contention raised by the petitioner that her husband acted only as a mediator. The original owner photo does not tally with that of the petitioner's photo.



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6.The learned counsel appearing for the intervenor would submit that the husband and the wife were available in the Arunachalam Chettiar's house and they only represented that they are the real owners. Believing the words only, the above said amount has been transferred later, it came to know that they are not the true persons. So according to him, it is a clear case of impersonation and cheating.

7.Even though the petitioner is not in a position to show the real owner Balamurugan and Nathiya, the contention that her husband only acted as a mediator is unbelievable. But this petitioner is concerned, only limited allegation has been made to the effect that the amount was transferred to her account and later, that was also re-transferred to the account of the de-facto complainant. There is no allegation to the effect that that this petitioner was present, when the above said sale was finalized and represented that she is Nathiya.

8.Considering the above said facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.1, Thanjavur and on his executing 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 learned Judicial Magistrate concerned and on further condition that the petitioner shall appear before the



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respondent police daily at 10.00 a.m. until further orders. The petitioner shall

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comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

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18/07/2023

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

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To

1.The Judicial Magistrate No.I, Thanjavur.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
District Crime Branch, Thanjavur.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.12176 of 2023

Date :18/07/2023

ED/MMS/SAR- (28/07/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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