



CRL OP(MD). No.15716 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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Fathima

... Petitioner/Sole Accused

Vs

State Represented by,
The Inspector of Police,
Thiruverumbur Police Station,
Trichy District.
(Crime No.323 of 2023)..

... Respondent/Complainant

For Petitioner : Mr.P.S.Ganesan,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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



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PRAYER :-
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For Anticipatory Bail in Crime No.323 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 403, 406, 417, 420 and 423 of IPC in Crime No.323 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that after the death of defacto complainant's mother, the defacto complainant's father married the petitioner. After the demise of defacto complainant's father, the petitioner went out from the house with car and valuable documents. The respondent did not register the FIR as it is family dispute. Subsequently, the defacto complainant filed a private complaint in Cr.M.P.No.18200 of 2023 before the Learned Judicial Magistrate No.VI, Trichy. On the direction of the learned Judicial Magistrate No.VI, the respondent police registered FIR.



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3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against her. He would further submit that the petitioner is in possession of the immovable property as a legal heir. Hence, he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that there is a family dispute between the parties and this petitioner forged some documents after the demise of the father of the defacto complainant and the investigation is initial stage. Thereby, strongly opposed to grant anticipatory bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering that already this petitioner married with the father of the defacto complainant and also considering the fact that there is a family dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:



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7. Accordingly, the petitioner is 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.VI, Trichy District, on condition that the petitioner 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police daily at 10.00 am., until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/08/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN

TO

1.THE JUDICIAL MAGISTRATE NO.VI,
TRICHY DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3.THE INSPECTOR OF POLICE,
THIRUVERUMBUR POLICE STATION,
TRICHY DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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WEB COPY +1 CC to M/s.P.S.GANESAN, Advocate (SR-13033[I] dated 31/08/2023)

ORDER
IN
CRL OP(MD) No.15716 of 2023
Date :30/08/2023

RK/VR (07/09/2023) 6P /6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023