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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21269 of 2022

Kala ... Petitioner/Accused NO.I

Vs

The state rep by
The Inspector of Police,
CCB PS, Trichy. (Crime No.30/2022).

... Respondent/Complainant

For Petitioner : M/s.Sundar Srinivasan.R,

For Respondent : Mr.K.Sanjai Gandhi

Government Advocate (Crl.Side)

For Intervenor : Mr.P.Ganapathi Subramanian

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

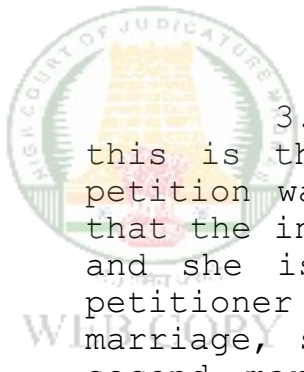
PRAYER :-

For Anticipatory Bail in Crime No.30/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 419, 420, 467, 468 and 471 of IPC, in Cr.No.30 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioner is the first wife and the de-facto complainant is the second wife of one Dharmaraj. The said Dharmaraj had gone abroad. When he was in abroad, the petitioner got divorce on 10.12.2007 and the said Dharmaraj came to India and came to know about the divorce got by the petitioner. Therefore, he married the defacto complainant on 14.07.2013. Whiles0, on 19.01.2021, the said Dharmaraj passed away. Later, the defacto complainant came to know that the accused persons have fabricated the documents and sold the property belonging to the husband of the de-facto complainant in S.Nos.323/6, 323/1C at Trichy to various other persons. Hence, the complaint.



3.The learned counsel for the petitioner would submit that this is the second petition for anticipatory bail. The earlier petition was dismissed on 14.11.2022, by this Court, on the ground that the investigation is still pending. The petitioner is innocent and she is in no way connected with the alleged offence. The petitioner had earlier married the said Dharmaraj and out of marriage, she had three sons. The petitioner is not aware of the second marriage done by the said Dharmaraj. In this case, the subsequent purchasers and the witnesses have already been granted anticipatory bail by this Court. Hence, prays to enlarge her on anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner had obtained an ex-parte divorce from the said Dharmaraj and thereafter, the said Dharmaraj had married the defacto complainant on 14.07.2013 and later, he died. The petitioner knowing well that she got divorced, she along with other accused persons have fabricated the documents and sold the property belonging to the said Dharmaraj, without the knowledge of the defacto complainant. Further, though this is the second anticipatory bail petition and there is no change in circumstances. Hence, prays to dismiss the petition.

5.The learned counsel for the intervenor would submit that the petitioner knowing very well that the said Dharmaraj/her husband had married the defacto complainant had sold the properties to various other persons. The petitioner has also withdrawn the deposits of the said Dharmaraj in various bank accounts by false declaration. If she is released on anticipatory bail, she would tamper the evidence and hamper the investigation. Hence, prays to dismiss the petition.

6.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7.Considering the nature of grave offence and vehement objections raised by the respondent and the intervenor, this Court finds that there is no change in circumstances to enlarge the petitioner on anticipatory bail. Hence, this Court is not inclined to grant anticipatory bail to the petitioner.

8.Accordingly, this Criminal Original Petition is dismissed.

sd/-
28/02/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. The Inspector of Police,
CCB PS, Trichy.

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

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-3062[I] dated
01/03/2023)

CRL OP (MD) No.21269 of 2022
Date :28/02/2023

KB/vs/s4 (08.03.2023) 3P 4C