



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.(MD)Nos.22820, 21300 of 2022 and 1575 of 2023

NIVETHA

... PETITIONER / ACCUSED

IN CRL OP(MD)NOS.22820 & 21300 of 2022

1. K.NIVEDHA

2. R.PRABHAKARAN,

3. P.RAVI

4. R.MUNEESWARI

... PETITIONERS/ACCUSED NOS.1-4

IN CRL OP(MD)No.1575 of 2023

Vs

THE STATE REP BY,  
THE INSPECTOR OF POLICE  
WATRAP POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
CRIME No.263 OF 2022

... RESPONDENT/COMPLAINANT  
IN CRL OP(MD).22820/2022

THE STATE REP BY,  
THE INSPECTOR OF POLICE  
WATRAP POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
CRIME No.265 OF 2022

... RESPONDENT/COMPLAINANT  
IN CRL OP(MD).21300/2022

THE STATE REP BY,  
THE INSPECTOR OF POLICE  
WATRAP POLICE STATION,  
VIRUDHUNAGAR DISTRICT.  
CRIME No.296 OF 2022

... RESPONDENT/COMPLAINANT  
IN CRL OP(MD).1575/2023

R.SATHURAGIRI

... INTERVENE PETITIONER/DEFACTO  
COMPLAINANT

IN CRL MP(MD).16423/2022 IN CRL OP(MD).22820/2022



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... INTERVENE PETITIONER/DEFACTO  
COMPLAINANT  
IN CRL MP(MD).15144/2022 IN CRL OP(MD).21300/2022

... PETITIONER/INTERVENE PETITIONER/DEFACTO  
COMPLAINANT  
IN CRL MP(MD).2789/2022 IN CRL OP(MD).1575/2022

IN ALL PETITIONS

For Petitioner : M/S.KISHORE KUMAR V, Advocate  
For Respondent : MR.P.KOTTAI CHAMY,  
Government Advocate (Criminal Side)  
For Intervenor : MR.S.RAJASEKAR, Advocate

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

COMMON PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NOS.263, 265 & 296 OF 2022 ON THE  
FILE OF THE RESPONDENT POLICE.

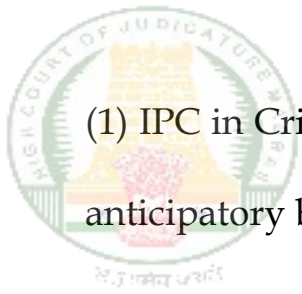
COMMON ORDER : The Court Made the following order :-

The petitioner/accused in Crl.O.P.(MD)Nos.22820 and 21300 of 2022, who apprehends arrest at the hands of the respondent police for the offence under Section 406 IPC in Crime Nos.263 and 265 of 2022 respectively on the file of the respondent police, seeks anticipatory bail.

2.The petitioners/A1 to A4 in Crl.O.P.(MD)No.1575 of 2023, who apprehend

arrest at the hands of the respondent police for the offence under Sections 380 and 506

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



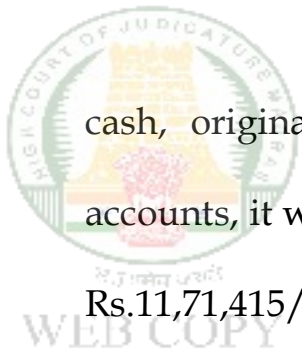
(1) IPC in Crime No.296 of 2022 respectively on the file of the respondent police, seek anticipatory bail.

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3.The case of the prosecution in Crime No.263 of 2022, as per the de-facto complainant Sathuragiri, is that he has been running a business in the name and style of Kanagavalli Bio Black and the accused, who is his relative was appointed as an accountant in the said business and believing her, he had given some unfilled cheques to her, later, the accused eloped with one Prabhakaran and while going, she has taken 30 sovereigns of jewels, Rs.4,00,000/- cash and original settlement deeds and her certificates. It is also the further case, the mother of the accused had also given a complaint against her before the Watrap Police Station and to the Superintendent of Police, Virudhunagar District on 14.06.2022 and later, he had also verified his bank account, it was found that the accused along with her lover one Prabhakaran, by misusing the blank cheques and by criminal breach of trust, had swindled money to the tune of Rs.5,50,000/- from his company. Hence, the case.

4.The case of the prosecution in Crime No.265 of 2022, as per the de-facto complainant Sundarathai, is that she is running a business in the name and style of Nivetha Coir Product and that the accused/her daughter was looking after the accounts of the company and the further allegation is that she had eloped with one Prabhakaran and while going so, she has taken 30 sovereigns of jewels, Rs.4,00,000/-

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cash, original settlement deeds and her certificates and later, she checked her accounts, it was found that the daughter/accused had swindled money to the tune of Rs.11,71,415/- by using unfilled cheques with an intention to cheat the de-facto complainant. Hence, the case.

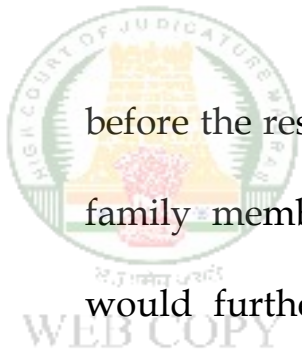
5.The case of the prosecution in Crime No.296 of 2022, as per the de-facto complainant Sundarathai, is that she has got two female children and her first daughter was married. While so, the second daughter was found missing from the home and she had given a complaint to the police with regard to the missing of her daughter on 16.05.2022, based on that, a case in Crime No.121 of 2022 was registered. Later, she came to know that the second accused Prabhakaran had married her daughter and that due to the act of her daughter's elopement, she get sick and she was at home and later on 12.06.2022, she had checked her bureau, it was found that 30 sovereigns of jewels, Rs.4,00,000/- cash and property documents were missing and that she had given a complaint to the Watrap Police Station on 14.06.2022 and she had also sent a complaint to the Superintendent of Police. Since no action has been taken, she has given a complaint before the learned Judicial Magistrate to take action against her daughter and the other accused, who are her husband and relatives of her husband. Based on the Court's direction, the case came to be registered.

6.The learned counsel for the petitioners would submit that the de-facto

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complainant in Crime Nos.265 and 296 of 2022 is none other than the mother of the first accused and the de-facto complainant in Crime No.263 of 2022 is none other than the junior paternal uncle of the first accused. He would further submit that the first accused Nivetha was in love with and intended to marry the second accused Prabhakaran, who hails from a different community and since it was opposed by her mother, the first accused eloped with the second accused and they got married, in respect of which, the de-facto complainant Sundarathai, had earlier preferred a complaint before the respondent police station and a case in Crime No.121 of 2022 was registered for 'woman missing'. Thereafter, the said Sundarathai had also filed H.C.P.No.966 of 2022 before this Court and notice was issued and the first accused along with her husband/second accused appeared before this Court and she had represented before this Court stating that she was not kept in illegal detention and thereby, the Habeas Corpus Petition came to be closed. Even thereafter, the de-facto complainant Sundarathai and her family members threatened the petitioners, the petitioners were constrained to give a complaint before the Superintendent of Police, Virudhunagar District on 17.05.2022 seeking for protection to their life. During such time, the de-facto complainant and her family members were called to the police station and enquiry was conducted and during such time, the de-facto complainant did not make any allegations of criminal breach of trust or cheating and later, in order to put pressure and harass the first petitioner and her husband/the second petitioner and his family members, repeated false complaints have been given



before the respondent police, based on which, the first accused and her husband and family members are continuously harassed and witch hunted by the police. He would further submit that it is true that the first accused had doing the bank transactions in the business run by her mother and there is no element of cheating and only to harass the petitioners, false complaints are being given.

7.The learned Government Advocate (Crl. side) would submit that the first accused is none other than the daughter of the de-facto complainant Sundarathai in Crime Nos.265 and 296 of 2022 and the niece of the de-facto complainant Sathuragiri in Crime No.263 of 2022. He would further submit that as per the complaints, the first accused had developed love affair with the second accused one Prabhakaran and she has eloped with him. While during her love affair, she had committed criminal breach of trust and misfeasance and swindled money and also taken away the jewels and documents from the house of the de-facto complainant and hence, he would oppose for grant of anticipatory bail. He would further submit that the respondent police are ready to conduct an enquiry with regard to the financial transactions.

8.The learned counsel for the intervenor would submit that though there is a relationship of mother and daughter between the first accused and the defacto complainant, the case in Crime No.263 of 2022 has been preferred by one Sathuragiri, who is the paternal uncle of the first accused and Crime Nos.296 and 265 of 2022 have



been filed by the mother of the first accused. Insofar as the complaint in Crime No.263 of 2022 is concerned, the accused had taken the cheque signed by the defacto complainant/mother and transferred the amount to the tune of Rs.5,50 lakhs to her account and thereby she has done criminal breach of trust. In respect of Crime No.265 of 2022 is concerned, the first accused by taking advantage of the relationship as the daughter had committed criminal breach of trust to the tune of Rs.11.50 lakhs and in respect of the their complaint, the first accused along with her husband and in-laws had cheated the defacto complainant/mother and had taken away the jewels and property documents and she along with other accused had also threatened and intimidated the defacto complainant. He would submit that it may be looked like the dispute between the mother and the daughter, the victim had cheated the amount to the tune of Rs.20 lakhs and he would object for grant of anticipatory bail.

9.In reply, the learned counsel for the petitioners would submit that all these complaints came to be filed only after loosing in Habeas Corpus Petition and before other forums and the first accused is the person who had initiated the complaint and the the first complaint has been given against the defacto complainant for threatening them and only thereafter all the complaints came to be lodged.

10.Heard and perused the materials available on record. Taking into consideration the relationship between the parties, this Court had asked the parties to



appear before this Court on 08.02.2023 pursuant to which the parties also appeared and both parties submitted that it would take some time for them to re-conciliate with each other.

11. Coming to the facts of the case, this Court is able to see that all the cases have been filed only after disposal of Habeas Corpus Petition. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

12. 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 I, Srivilliputhur, Viruthunagar District, on condition that the petitioners shall execute 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 first petitioner in all the petitions shall appear before the respondent police every day at 10.30 a.m for a period of one week and thereafter as and when required; the other petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders

[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.

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sd/-  
16/02/2023

(\*)AMENDED AS PER ORDER OF  
THE COURT DATED 12/10/2023 IN  
CRL.MP.(MD)NOS. 14435, 14436  
&14437 OF 2023 IN CRL.OP.(MD)  
NOS.22820, 21300 OF 2022 AND  
1575 OF 2023 BY VSGJ

FURTHER TWO WEEKS TIME IS  
GRANTED TO THE PETITIONER  
TO COMPLY WITH THE  
CONDITIONS IMPOSED BY THIS  
COURT FROM THE DATE OF  
RECEIPT OF A COPY OF THIS  
ORDER AS LAST CHANCE.

/ TRUE COPY /

/10/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

CM

TO  
TO BE SUBSTITUTED WITH THE ORDER DATED 16/02/2023 ALREADY  
DESPATCHED.

1 The Judicial Magistrate I, Srivilliputhur, Viruthunagar District.

2 THE JUDICIAL MAGISTRATE, VIRUDHUNAGAR.

3 DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

4 THE INSPECTOR OF POLICE, WATRAP POLICE STATION,  
VIRUDHUNAGAR DISTRICT.



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

+1 CC TO MR.V.KISHORE KUMAR, ADVOCATE, SR-2424[I]

+1 CC TO MR.T.LAJAPATHI ROY, ADVOCATE, SR-9114[F]

+3 CC TO MR.M.VIJAYARATHINAM, ADVOCATE, SR - 15081,15080,15082

ORDER IN  
Crl.O.P.(MD)Nos.22820 & 21300 of 2022  
and 1575 of 2023  
Date : 16.02.2023

RS//SAR-2(08.03.2023) 11P 7C

AAV

SSA/VRS/17/10/2023/11P/11C

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