



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/02/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.22909 of 2022

Bhuvaneswari

... Petitioner/Accused No.2

Vs

State rep by its
The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.
In Crime No.927 of 2022

... Respondent/Complainant

For Petitioner : Mr.T.Eashwar, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.Side)

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

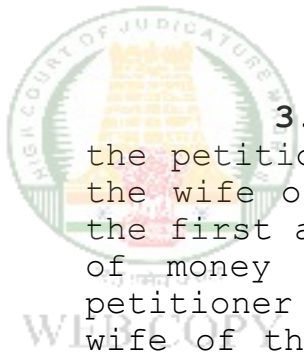
PRAYER :-

For Anticipatory Bail in Crime No.927 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 420, 457, 471, 294(b), 506(ii) I.P.C, in Crime No.927 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant, namely, Chinnadurai is that a sum of Rs.4,54,585/- was deposited to his account as compensation for his land, which was acquired by the Government. While so, on 01.10.2019, the first accused, who is his own son, had taken him to the bank for some transaction and by cheating him, he had transferred a sum of Rs.4,28,000/- from the account of the defacto complaint to his account and when it was questioned by the defacto complainant, the accused had abused him in filthy language and threatened him. Hence, the complaint.



3. The learned counsel for the petitioner submit at the petitioner is arrayed as the second accused in this case she is the wife of the first accused and there is dispute pending between the first accused and the defacto complainant, his father. On account of money dispute, a false complaint has been lodged and the petitioner has been robbed. He would further submit that being the wife of the first accused, the petitioner has no role in the case and she has only received a sum of Rs.4,00,000/- (Rupees Four Lakhs Only) through RTGS and only as per the direction of her husband, who is the first accused, she had withdrawn the amount and handed over to him.

4. The learned counsel for the petitioner would submit that to show her bona fides, the petitioner is ready and willing to deposit the original title deeds of immovable property worth of Rs.2,00,000/- (Rupees Two Lakhs Only) either belonging to herself, her family members or friends, to the credit of crime number before the learned Magistrate. Hence, he prays to release the petitioner on anticipatory bail.

5. The learned Government Advocate (Crl.Side) submitted that the first accused had cheated his own father and the petitioner has received Rs.4 lakhs through RTGS. Hence, prays to dismiss the petition.

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

7. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Thiruvidadaimaruthur**, on condition that the petitioner shall execute 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 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 petitioner shall deposit the original title deeds of immovable property worth of Rs.2,00,000/- (Rupees Two Lakhs Only) either belonging to herself, her family members or friends, to the credit of Crime No.927 of 2022 before the learned Judicial Magistrate, Thiruvidadaimaruthur;



[b] the petitioner 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.

[c] the petitioner shall report before the respondent Police Station everyday at 10.30 a.m., for a period of two weeks and thereafter, as and when required;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

[g] if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/02/2023

**(*) CORRECTED AS PER ORDER OF
THIS COURT DATED 28.02.2023 IN
CRL OP(MD) NO.22909 OF 2022**

/ TRUE COPY /

/ 02 /2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cm/tta

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 01.02.2023 ALREADY DESPATCHED

1. The Judicial Magistrate,
Thiruvidaimaruthur.

2. -do-Through The Chief Judicial Magistrate,
Thanjavur At Kumbakonam.



3. The Inspector of Police,
Thiruppanandhal Police Station,
Thanjavur District.

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

ORDER

IN

CRL OP(MD) No.22909 of 2022

Date :01/02/2023

RD/VR/SAR-II(09/02/2023) 4P 5C
ED/BUC/SAR- (08/03/2023) 4P 5C