



CRL OP(MD)No.22057 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07.12.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.22057 of 2023

1.Sivashankari

2.Hari Aravindh

3.Aruna

... Petitioners/ Accused 1,3 & 4

Vs

The Inspector of Police,
Navalpattu Police Station,
Trichy District.
(Crime No.278 of 2023)

... Respondent/Complainant

For Petitioners : Mr.T.LENINKUMAR, Advocate

For Respondent : Mr.R.SURESH KUMAR,
Government Advocate(Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.278 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 404, 406, 420 & 379 IPC in Crime No.278 of



CRL OP(MD)No.22057 of 2023

2023, seek anticipatory bail.

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2.The case of the prosecution is that the defacto complainant is working as Stenographer in OFT, Trichy. In the year 2021, she purchased a house property from one Grance Smyrna Rajaratnam for a sum of Rs.7,00,000/-. On 28.07.2021, she paid sale consideration to the vendor through one Varadharajan @ M.V.Rajan's Bank account, who was working as the Deputy General Manger in OFT, Trichy. On 28.07.2021 itself she presented the sale deed for registration before the Sub-Registrar, Keezhasathanur. in turn, the Sub-Registrar returned the document as the particulars of the property was not found in the adjudication order. Since the first petitioner's husband Varadharajan @ M.V.Rajan was the complainant's immediate superior officer, the complainant left the property registration issue with him. thereafter, the husband of the first petitioner passed way due to heart attack on 09.08.2021. The first petitioner's husband was living separately for the past 11 years since there was a misunderstanding between them. After demise of Varadharajan, on 10.08.2021, the petitioners came to the house of the said Varadharajan and took all the original documents pertaining to the said property. After three days, when the defacto complainant went to the house, she came to know through watchman that the petitioners came in a car and took all the documents. when the defacto complainant enquired the petitioners through phone, they answered contradictorily and thereby,



CRL OP(MD)No.22057 of 2023

cheated the defacto complainant. Hence the case.

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3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation in this case is not yet completed.

5.On perusal of records, it is noticed that the first petitioner and the said Varadharajan were living separately for the past 11 years and by using the same, the defacto complainant foisted a false complaint. It is also noticed that there is no specific allegations as against the petitioners.

6.Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260 and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners are having permanent residence at Trichy District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme



CRL OP(MD)No.22057 of 2023

WEB COPY

Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.III, Trichy on condition that the petitioners shall execute a own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall affix his photograph 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 petitioners shall report before the trial Court on summons.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



CRL OP(MD)No.22057 of 2023

[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.

sd/-
07/12/2023

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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO
1 THE JUDICIAL MAGISTRATE NO.III
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

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



CRL OP(MD)No.22057 of 2023

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

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-17451[I] dated 08/12/2023)

ORDER
IN
CRL OP(MD) No.22057 of 2023
Date :07/12/2023

SA/DD/SAR. /20.12.2023/6P/6C

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