



CRL OP(MD) No.553 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Twenty Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.553 of 2024

JEYASUDHA

... PETITIONER/2ND ACCUSED

Vs

THE SPECIAL SUB INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY.
CR.NO.22/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.G.DHANASEELI, Advocate

For Respondent : MR.S.MANIKANDAN, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CR.NO.22/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/2nd Accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Sections 416, 465, 467, 468 and 471 of
IPC in Crime No.22 of 2023, on the file of the respondent police, seeks anticipatory
bail.

2. The case of the prosecution is that the defacto complainant had owned some

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property. However, without his knowledge, A1 executed a sale agreement in favour of the petitioner on 21.05.2005 in document No.2282 of 2008. Then on 11.10.2022, the said agreement was cancelled by A1. Subsequently, he executed a sale deed in favour of A3, who is the mother of A2 and thereafter, A3 executed a sale deed in favour of A4. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner is the wife of A1 and earlier, A1 executed a settlement deed in favour of the petitioner and subsequently, the said deed was cancelled and the petitioner was not responsible for the alleged execution of settlement deed. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that earlier settlement deed executed in favour of the petitioner was cancelled and thereafter, A1 executed a sale deed in favour of A3, who is the mother of A2 and subsequently, A3 executed a sale deed in favour of A4. However, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that there is no serious allegation made against the petitioner and the alleged settlement deed executed in favour of the petitioner was cancelled, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, 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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;



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(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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

7. However, anticipatory bail granted to the petitioner will not be applicable to the other accused, who stands in a different footing.

sd/-
22/01/2024

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/01/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SPECIAL SUB INSPECTOR OF POLICE, CENTRAL CRIME BRANCH,
MADURAI CITY.

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

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+1. CC to MR.J.GUNASEELANMUTHIAH Advocate SR.No.1862[F] DATED
23/01/2024

ORDER
IN
CRL OP(MD) No.553 of 2024
Date :22/01/2024

RS/JGB/SAR-(30.01.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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