



CRL OP(MD) No.3133 of 2024

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

Thursday, the Twenty First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3133 of 2024

1 P.BALAMURUGAN

2 JEYALAKSHMI

... PETITIONERS / ACCUSED Nos. 1 & 2

Vs

THE INSPECTOR OF POLICE
THE INSPECTOR OF POLICE,
CCB, MADURAI CITY,
MADURAI DISTRICT.
CRIME NO.5 OF 2024.

... RESPONDENT / COMPLAINANT

P.RAMUTHAI

...PETITIONER/INTERVENOR/DEFACTO COMPLAINANT
IN CRL MP(MD)No. 3391 of 2024

For Petitioner : MR.KCSK.BALAJI, Advocate for
M/S.S.RAMASAMY, Advocate

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

For Intervenor : MR.D.HARIPRASAD, Advocate
in CRL MP(MD)No. 3391 of 2024

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

Prayer:

FOR ANTICIPATORY BAIL IN CRIME NO.5 OF 2024 ON THE FILE OF THE
RESPONDENT POLICE.

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



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ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence u/s 379, 387 and 506 (ii) IPC and Section 24 of the Maintenance of Parents & Senior Citizen Act, 2007, in Crime No.05/2024, are before this Court seeking anticipatory bail.

2. The gravamen of the allegation, as could be ascertained from the complaint filed by the defacto complainant is that the 1st petitioner's mother and the defacto complainant are sisters, who had married the very same person, viz., Palraj and out of the said wedlock, each of them were blessed with three children. The said Palraj was working as Addl. Superintendent of Police, who has since retired. Of the three children of the defacto complainant, Natarajan, is a Marine Mechanical Engineer and is working abroad. From out of the earnings the said Natarajan had sent a sum of about Rs.15 Crores to the 1st petitioner, who is the son of her sister and is married to the 2nd petitioner, for purchase of properties in his name in Madurai and Chennai. However, with a view to defraud and cheat the said Natarajan, the 1st petitioner purchased the properties in his name from out of the amount sent by the said Natarajan and all the documents relating to the said purchase are in his custody.

3. It is the further allegation of the defacto complainant that more than 1000

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sovereigns of gold jewels, which were purchased by the said Natarajan and were in the custody of the defacto complainant were forcibly taken away from her by the petitioners and the defacto complainant was also made to sign in blank papers. Further, on 8.1.2024, it is alleged that the petitioners came to the house of the defacto complainant, who was residing in the house of Natarajan, and at gun point, had assaulted her and took away documents and also the gold chain worn by her. As the defacto complainant apprehended that her safety is jeopardized at the hands of the petitioners, she preferred the complaint to the Commissioner of Police, Madurai City, which was forwarded to the Inspector of Police, D-1, Thallakulam Police Station, Madurai and registered as Crime No.69/2024 and, thereafter, it was forwarded to the respondent and reassigned as Crime No.5/2024 on 10.02.2024 for the offences aforesaid. Apprehending that the law enforcing agency would arrest the petitioners, the present petition has been preferred seeking anticipatory bail.

4. Learned counsel appearing for the petitioners submit that the 1st petitioner is a practicing advocate and the 2nd petitioner is his wife, who is working as a teacher and that they have not indulged in any such activity as alleged by the defacto complainant. It is the further submission of the learned counsel that on the very same set of facts, one Ganesh and the said Natarajan, had given a complaint before the law enforcing agency, on which summons were issued which was challenged before this



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Court in Crl. O.P. (MD) No.1890/2024 and 1907/2024 and at the time of hearing, since the matter was transferred to the file of the present respondent and reassigned Crime No.5/2024 and, therefore, the respondent submitted that fresh summons would be issued to the petitioners. Only in the wake of the said stand of the respondents, as the petitioners apprehend that they would be arrested, they have filed the present petition. It is the further submission of the learned counsel that the Inspector of Police had also conducted search in the house of the petitioners, but nothing incriminating was recovered. Only to tarnish the standing and reputation of the petitioners, the present complaint has been lodged by the defacto complainant and, therefore, on the aforestated facts, the petitioners seek anticipatory bail.

5. Learned Government Advocate (Crl. Side) appearing for the respondent/law enforcing agency submits that earlier only summons were issued to the petitioners relating to enquiry on the allegations made by one Ganesh and Natarajan and even at that stage, without submitting themselves to the enquiry, the petitioners had filed criminal original petitions challenging the said summons. However, as the matter was transferred to the file of the present respondent, fresh summons are to be issued to the petitioners and only to evade the enquiry and protect themselves from the truth coming out, the present anticipatory bail applications have been filed. It is the further submission of the learned Government Advocate that the petitioners could



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very well participate in the enquiry and establish their innocence and seeking anticipatory bail, as if the respondents are trying to arrest the petitioners is nothing but an attempt to restrain the respondents from doing their lawful duty. Accordingly, he opposed the grant of anticipatory bail to the petitioners.

6. Intervening application in Crl. M.P. (MD) No.3391/2024 has been filed by the intervenor/defacto complainant to submit her case and upon this Court granting permission by ordering the aforesaid criminal miscellaneous petition, learned counsel appearing for the intervenor submitted that the petitioners have threatened the defacto complainant at gun point, thereby putting her survival at stake. It is the further submission of the learned counsel that the 1st petitioner is serving as Panchayat President of Kulichettipatti, Dindigul District and holds the position of District Secretary of Dindigul District with a renowned political party and further the 1st petitioner is not practicing as an advocate and his advocate profession is only a cloak to shield his activities, as his main activity is as a professional financier. It is the further submission of the learned counsel that the 1st petitioner has registered himself under the Mahatma Gandhi National Rural Employment Grantee Scheme and has also registered his father's name and, thereby, receiving substantial amounts from the Government.

7. It is the further submission that the gun licence sought for by the 1st petitioner



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was rejected, yet he is in possession of a country made revolver and his influence in the political party enables him to indulge in such acts and his clout with the political party would enable him to cause grave harm to the defacto complainant and her sons, even with the use of deadly weapons, if he is granted anticipatory bail and, accordingly, prays that for the reasons aforesaid, this Court may not grant anticipatory bail to the petitioners.

8. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

9. The whole case of the petitioners have been predicated on the fact that summons are likely to be issued to them and this would result in their arrest and apprehending such arrest, the petitioners had filed the petition for anticipatory bail.

10. In the wake of the above, it is to be pointed out that though allegations of very serious nature have been levelled against the petitioners, yet, they have not placed any material, nor even a whisper in the entire petition countering the stand of the defacto complainant with regard to the receipt of money from the son of the defacto complainant. Further, when pointed allegations have been made by the defacto complainant with regard to properties having been purchased by the petitioners utilising the amounts which were sent by her son, there is no denial of the



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same. However, curiously, it is only alleged that the petitioners and the defacto complainant have been residing together jointly for more than 52 years and only with regard to property dispute, strained relationship has developed amongst them.

11. Be that as it may. The petition for anticipatory bail has been filed on the basis of the apprehension that summons may be issued by the respondent calling upon the petitioners for enquiry and apprehending that they may be taken into custody, the present petition has been filed. It is to be pointed out that even according to the 1st petitioner, he is a practicing advocate and he would be aware of the functioning of the law enforcement. When a complaint of this nature, relating to defrauding, cheating and criminal intimidation is raised against the petitioners by the defacto complainant, necessarily, an enquiry is necessary to find out the veracity of the complaint. If really there are no skeletons in the closet of the petitioners, there could be no apprehension on the part of the petitioners to participate in the enquiry, which is just a process to find out the truth or otherwise in the matter.

12. Further, it is to be pointed out that there is a pointed allegation by the defacto complainant that she was threatened by the petitioners at gun point on 8.1.2024 and they assaulted the defacto complainant and too away the documents and also snatched a chain belonging to the defacto complainant. However, even in regard to the possession of gun by the 1st petitioner, there is no negation of the said



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allegation by the petitioners. The petitioners claim that a search was conducted at the house of the petitioners by the Inspector of Police, D-1, Thallakulam Police Station and that no incriminating materials have been found, however, to substantiate the same, no materials have been placed before this Court to show that such a search was conducted. Even otherwise, the claim of the 1st petitioner that he is a practicing advocate, without a warrant for search, the police could not have conducted search at the premises of the petitioners. Further, when even according to the petitioners search is alleged to have been conducted at their residence, however, no complaint with regard to the same has been given, as any search conducted without a warrant would be an illegal search and the 1st petitioner, being a practicing advocate would very well know the legality of the said search.

13. The defacto complainant is a lady aged about 75 years and is a cancer patient. Her specific allegation is theft, causing grievous hurt and instilling fear in the mind of a person and criminal intimidation, that too by a member of the legal profession. Further, it is the specific claim of the defacto complainant that the 1st petitioner is holding the post of Panchayat President in the locality and has a huge clout with a political party, which cannot also be lost sight of by this Court. Coupled with the fact that the 1st petitioner is a practicing advocate and also holding the post of Panchayat President and having affiliation to a political party, the apprehension of



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the defacto complainant with regard to her fear for life on the intimidation alleged to have been caused by the petitioners cannot be ruled out.

14. When even according to the petitioners, summons, if issued by the law enforcing agency for an enquiry would create an apprehension that they might be taken into custody, the fear of the senior citizen, an old lady aged about 75 years, apprehending threat to her life at the hands of the petitioners cannot be brushed aside lightly considering the various factors, as noted above, more particularly weighing the apprehension put forth by both the parties to the lis, in which the apprehension of the defacto complainant outweighs the apprehension expressed by the petitioners and in that backdrop

15. In such a backdrop, looking at the various allegations levelled against the petitioners by the defacto complainant, this Court is of the considered view that it would not be in the interest of the defacto complainant and also in the interest of justice, on the facts and circumstances of this case to grant anticipatory bail to the petitioners as the possibility of further criminal intimidation and tampering with the evidence by the petitioners cannot be ruled out and in such view of the matter, granting anticipatory bail would not be proper.



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16. Therefore, this Court is not inclined to grant anticipatory bail in favour of the petitioners and, accordingly, for the reasons aforesaid, this criminal original petition is dismissed.

sd/-
21/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB/GLN

TO

- 1 THE INSPECTOR OF POLICE
THE INSPECTOR OF POLICE,
CCB, MADURAI CITY,
MADURAI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.S.RAMASAMY, Advocate (SR-3518[I] dated 21/03/2024)

ORDER
IN

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Date :21/03/2024

PKP/VR/SAR /15.04.2024/ 11P/ 4C

Madurai Bench of Madras High Court is issuing certified
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