



CRL OP(MD) No.3755 of 2024

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

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3755 of 2024

1 SHANTHI
2 SENTHIL KUMAR

... PETITIONERS/ACCUSED NOS.3 & 4

Vs

THE INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
CRIME NO.36/2024.

... RESPONDENT/COMPLAINANT

ANNALAKSHMI

... PETITIONER/INTERVENOR
IN CRL MP(MD).3143/2024 IN CRL OP(MD).3755/2024

For Petitioners : MR.T.LAJAPATHY ROY, Senior Counsel
for M/S.S.RAJASEKAR, Advocate
For Respondent : MR.P.KOTTAICHAMY, Government Advocate (Crl.Side)
For Intervenor : MR.PALANIVEL RAJAN, Senior Counsel
for MR.S.VINAYAK, Advocate

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.36/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-



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The petitioners/ A3 & A4, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 406, 417, 420, 467, 468 and 120B of IPC, in Cr.No.36 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is running a trust in the name and style of Sri Ragava Janaki Ammal Educational Trust, in which, the defacto complainant and her sons, namely, Santhanakrishnan(A2) and Rajesh are the trust members. However, A1 and A2, without authority, passed a resolution containing the signature of the defacto complainant and another son Rajesh and included some of the trustees in the trust. Hence, the case.

3.The learned Senior counsel appearing for the petitioners submitted that it is purely a family dispute between the trust members, the trust members are none other than the sons and husband of the defacto complainant and A1 is the husband of the defacto complainant. The wife made a complaint against her husband/A1 and son/A2, however, the said Rajesh was standing on the side of the defacto complainant. He would further submit that the civil suit is also pending before the trial Court and a similar issue was already considered by this Court as against A1 and A2 and this Court granted anticipatory bail to them and the present petitioners stand on the similar footing. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.The learned Senior Counsel for the intervenor submitted that admittedly, the trust was started in the name of A1's father and mother, namely, Sri Ragava Janaki Ammal Educational Trust and in the trust, the defacto complainant is the only wife of A1 and her sons were included as trust members. However, without authority, A1 and A2 forged the signature of the defacto complainant and included A3 as one of the trustees and misappropriated huge amount of the trust amount in favour of A2, A3 and A4, which is not sustainable one and it is a matter for custodial interrogation. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. side) submitted that the defacto complainant made a complaint as if the petitioners forged the signature of the defacto complainant while including A3 as a trust member and the investigation is almost completed. Hence, he strongly opposed the grant of anticipatory bail to the petitioners.

6.Heard the learned counsel on either side.

7.The relationship between the petitioners and the defacto complainant is not in dispute. Admittedly, A1 and the defacto complainant are husband and wife and A2 is the son of the defacto complainant and A3 claimed that she is the daughter of A1, born out of the wedlock of the first wife. However, all those issues are family dispute and it has to be ventilated only before the civil Court.



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8.Considering the above facts and circumstances of the case and A1 and A2 have already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Thanjavur District, on condition that the petitioners shall execute a 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 and on further condition that:

(a)if the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;



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

(e)the petitioners 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 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]; and;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
13/03/2024

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/03/2024

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.2, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, MEDICAL COLLEGE POLICE STATION,
THANJAVUR.

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



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

+1. CC to M/S.S.RAJASEKAR Advocate SR.No.12170[F] Dated 14/03/2024

ORDER

IN

CRL OP(MD) No.3755 of 2024

Date :13/03/2024

RS/GS/SAR-(15.03.2024) 6P 6C

Madurai Bench of Madras High Court is issuing
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