



CRL OP(MD). No.9058 of 2024

WEB COPY

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

Date : 21/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY
CRL OP(MD). No.9058 of 2024

Kala

... Petitioner/ Accused-1

Vs

The Inspector of Police,
City Crime Branch Police Station,
Trichy.
(Crime No.30/2022)

... Respondent/ Complainant

Seethalakshmi

... Petitioner/ Intervener/ Defacto Complainant
In CRL MP(MD).7610/2024 in CRL OP(MD).9058/2024

For Petitioner : Mr.P.Kandasamy, Advocate.
For Respondent : Mr.R.M.Anbunithi, Additional Public Prosecutor
For Intervenor : Mr.B.Sekar, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.30/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 419, 420, 467, 468 and 471 of IPC, in Cr.No.30 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/ A1 is the first wife and the de-facto complainant is the second wife of one Dharmaraj. The said Dharmaraj got



CRL OP(MD). No.9058 of 2024

WEB COPY

divorce with the first wife / petitioner herein on 14.07.2013. On 19.01.2021, the said Dharmaraj passed away at England. Thereafter, the de-facto complainant came to know that the property comprised in S.No.323/1C, which belongs to her husband, was sold out by the first accused/ petitioner with the help of the other accused. Hence the case.

3.Heard the learned counsel on either side and perused the material records of the case.

4.The learned counsel for the defacto complainant would oppose the anticipatory bail application. The Additional public prosecutor would submit that the case is that one Dharmaraj is the owner of the property. Third party has impersonated as if he is Dharmaraj and by creating fake IDs., the land has been sold to A5 and A6. However, when the defecto complainant is said to be the wife of the said Dharmaraj, married him after divorce, according to her, the petitioner / Kala was divorced and she suspects that Kala was also involved in the entire transaction.

5.Considering the materials collected sofar and considering the arguments of the learned counsel for the petitioner that so far there are no materials which point out to the involvement of the petitioner / Kala and that Kala has no direct or indirect dealing with the said Mariadas, who is said to have impersonated, I am inclined to enlarge the petitioner on anticipatory bail to the petitioner with certain conditions.



CRL OP(MD). No.9058 of 2024

WEB COPY

6. Accordingly, this 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 No.I, Trichy 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

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

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

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



CRL OP(MD). No.9058 of 2024

WEB COPY

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;

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

sd/-
21/08/2024

(*)(Corrected as per order of this
Hon'ble court in CRL OP(MD).
9058/2024 dated 09/09/2024)
/ TRUE COPY /

/09/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LS
TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
29/08/2024

1 THE SPECIAL JUDICIAL MAGISTRATE,
ANTI LAND GRABBING SPECIAL COURT, TRICHY.

2 THE JUDICIAL MAGISTRATE NO.I, TRICHY.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

4 THE INSPECTOR OF POLICE, CITY CRIME BRANCH POLICE STATION,
TRICHY.



CRL OP(MD). No.9058 of 2024

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

+1 CC to M/s.P.KANDASAMY, Advocate (SR-10243[I] dated 22/08/2024)

ORDER

IN

CRL OP(MD) No.9058 of 2024

Date :21/08/2024

RS/JGB/SAR-(28.08.2024) 5P 6C

RS/VR/SAR-(27.09.2024) 5P 7C

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