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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.16912 of 2024

1. Premalatha,
2. Kavya

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar District (Cr.No. 168/2024).

... Respondent/Complainant

For Petitioners : Kamesh N,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.S.Ramasamy

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.168/2024 on the file of the respondent



ORDER : The Court made the following order :-

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The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 61(2), 316(2) and 318(4) of the BNS, 2023 in Crime No.168 of 2024, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the intervenor and the learned Additional Public Prosecutor appearing for the respondent Police and perused the materials available on record.

3. The learned Counsel appearing on behalf of the intervenor would submit that this is a case where the entire amount around Rs.83,22,400/- has been taken away by the petitioners herein, even though the first petitioner was nominated that does not mean that the entire amount belongs to her and further every legal heirs are entitled for a share.

4. I have considered the said submission. Considering the nature of allegation in this case that the first petitioner being the second wife of the defacto complainant's father who gave the complaint taking advantage of the nomination

has taken away the entire amount which was in deposit totally amounting to Rs.83,22,400/- while there are two more legal heirs and considering the fact that



already a civil suit claiming the Share is also pending, I am inclined enlarge the petitioners on anticipatory bail.

5. Accordingly, the petitioners are ordered to be released on bail in the event of their 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.II, Virudhuangar, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

a) the petitioners 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 petitioners 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;

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

(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]; and;

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

sd/-
30/10/2024

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/11/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT
AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
VIRUDHUNAGAR RURAL POLICE STATION,
VIRUDHUNAGAR DISTRICT



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

ORDER
IN
CRL OP(MD) No.16912 of 2024
Date :30/10/2024

MGJ/SKN(15.11.2024) 5P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023