



CRL OP(MD) No.22718 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) Nos.22718 & 22719 of 2023

A.M.VIDYASRI

**... PETITIONER/ ACCUSED No.1
IN CRL OP(MD)No. 22718 of 2023**

A.M.RAJASRI

**...PETITIONER/PETITIONER/ACCUSED NO.4
IN CRL OP(MD)No. 22719 of 2023**

Vs

**THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT.
(CRIME NO.6/2023).**

**... RESPONDENT / RESPONDENT
/ DE-JURE COMPLAINANT
IN ALL PETITIONS**

SRIKANTH

**...PETITIONER/INTERVENER
/DEFACTO COMPLAIANANT
IN CRL MP(MD)NOS. 18237 & 18202 of 2023**

IN BOTH PETITIONS

For Petitioner : M/S.R.SARAVANA KUMAR, Advocate

For Respondent : MR.B.NAMBISELVAN, Additional Public Prosecutor

For Intervener : MR.M.A.M.RAJA, Advocate

IN CRL MP(MD)NOS. 18237 & 18202 of 2023



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

COMMON PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.6/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 and A4, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 417, 420 and 120(b) of IPC in Crime No.6 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and petitioner/A1 is the husband and wife. A4 is the sister of A1. On the information of the petitioner and her sisters, the defacto complainant, his father and his elder brother were prepared to purchase the land situated at Vadaveera Naickenpatti, Periyakulam Taluk, Theni District from A6, by name, Kannan for a sum of Rs.60,00,000/-. The sale amount was given to A6 through the Bank account of the petitioner and her sisters. The sale deed was registered in the name of the defacto complainant's father. Later, the defacto complainant came to know that the above said land is panchami land and the accused persons cheated the defacto complainant. That apart, the accused persons received huge amount from the defacto complainant to make him as a partner in the petrol bulk business and there is no such petrol bulk. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the



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petitioners have not committed any offence as alleged by the prosecution and it is purely a matrimonial dispute between A1 and the de-facto complainant, for which, a false case has been foisted against them. He would further submit that huge amount was transferred from the account of the de-facto complainant to A1, A3 and A4 and subsequently, that amount was re-transferred to the de-facto complainant. He would further submit that the co-accused were already granted bail and anticipatory bail before this Court as well as the trial Court. However, they are ready to abide any condition that may be imposed by this Court and also ready to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) each to the credit of Crime Number. Thereafter, the said amount may be disbursed to the defacto complainant without prejudice to their rights and prayed for granting anticipatory bail.

4.The learned counsel for the intervenor has no serious objection to grant anticipatory bail to the petitioners.

5.The learned Additional Public Prosecutor appearing for the State strongly opposed this petition on the ground that investigation is pending.

6.Considering the facts and circumstances of the case and also considering the facts that it is purely a family dispute between the petitioners and the de-facto complainant and the petitioners are ready and willing to deposit a sum of

Rs.5,00,000/- (Rupees Five Lakhs only) each to the credit of crime number, this Court

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



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is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 three weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, 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) the petitioners shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) each to the Credit of Crime No.6 of 2023 before the said Court, before executing bond. Upon receipt of such deposit, the learned Judicial Magistrate, Theni, shall disburse a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) directly to the defacto complainant. In the event of succeeding the criminal case in favour of the petitioners, the de-facto complainant is directed to return the said amount to the petitioners;

(b) if the petitioners failed to surrender before the concerned Magistrate within a period of three weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

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

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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;

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

sd/-
05/01/2024

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



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SJI
TO COPY

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SARAVANA KUMAR, Advocate (SR-355[I] dated 09/01/2024)

ORDER
IN

CRL OP(MD) Nos.22718 & 22719 of 2023

Date :05/01/2024

PKP/JGB/SAR- /12.01.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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