

In the Court of the Principal District Judge, Madurai.

Present : **Thiru.M. Balakumar, B.A., M.L.,**

(V Additional District Judge, Madurai)

Principal District Judge, Madurai. (i/c)

Thursday, this the 10th day of September -2020.

CrI.M.P.No.3956/2020 & 3991/2020.

Ganesan, S/o.Panchatcharam

... Petitioner/Accused.
in Crmp No.3956/2020.

Krithik Syamala, S/o.Alagarsamy

... Petitioner/Accused.
in Crmp No.3991/2020.

Vs

State through the Inspector of Police,

... Respondent/Complainant.

Thirunagar P.S. Cr.No.250/2019

in both Petitions.

These petitions taken up today for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.Y.Seenee Mohammed, Advocate for the petitioner in both petitions and of Thiru.M. Tamil Chelvan, the Public Prosecutor for the state over conference call, this court passed the following

Order

1. Anticipatory Bail applications u/s. 438 of Cr.p.c.
2. The offences alleged are U/s. 420 and 506(i) of IPC and Sec. 24 of Maintenance & Welfare of parents & Senior Citizens Act 2007.
3. Heard.
4. The petitioners counsel in Cr.M.P.No.3956/2020 & 3991/2020 argued that the petitioners are A1 and A2 in this case are the tenants of the defacto complainant where the petitioners have residing as tenant from the year of 2016,

when the tenancy was commenced and they have paid a sum of Rs.3 lakhs. However, originally it was discussed among the parties for a consideration of Rs.23 lakhs for the properties which alleged to have been obtained power deed by way of cheating from the defacto complainant. The petitioners counsel also submitted that A3 and A4 have been granted anticipatory bail by the Hon'ble High Court in Crl.O.P.(MD) No.11325/2019. Further, the power deed also canceled by the RDO concerned. The petitioners counsel also submitted that regarding the pledge of jewels, the accused have no way connected and the jewels have been voluntarily pledged by the defacto complainant only. Hence, anticipatory bail may be granted to the petitioners and they are ready to abide any stringent condition imposed by this court.

5. Per contra, the learned public prosecutor strongly objected to grant anticipatory bail to the petitioners stating that already anticipatory bail application filed by the Krithik Shyamala before the Hon'ble High Court and the same was dismissed by the Hon'ble High Court and also he argued that even at the time of granting anticipatory bail to A3 and A4, the Hon'ble High Court has clearly stated that A3 and A4 have acted only as informers to A1 and A2 they have no main role in all the activities. So that only the anticipatory bail was allowed to A3 and A4 and dismissed for A1. However, only after the intervention by the RDO and the detailed enquiry conducted by the RDO, the power of attorney forcibly obtained from the defacto complainant was cancelled and specific direction was also given to the investigation officer to take steps to get back the jewels of 90 sovereigns belongs to the defacto complainant, which was pledged by the petitioners.

6. Considering the rival submissions it is clear that movable and immovable assets of the senior citizens have been encumbered and alienated and even after direction by the Revenue Divisional Officer some of the

stipulated conditions not been fulfilled. Under this circumstances, this Court is not inclined to grant anticipatory bail to the petitioners and the petitions in Cr.M.P.No.3956/2020 & 3991/2020 deserves to be dismissed.

7. In the result, the anticipatory bail petitions in Cr.M.P.No.3956/2020 & 3991/2020 are dismissed accordingly.

Pronounced by me in Open Court on the 10th day of September -2020.

Sd/- M. Balakumar
V Additional District Judge, Madurai
Principal District Judge, Madurai.(i/c)

Copy to

1. The Judicial Magistrate concerned.