



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

Thursday, the Thirteenth day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11683 of 2015

1 MANGALAMMAL,
2 NAVITHA SANKAR @ NAVITHA KANNAN,
3 NAVITHADURAI
4 JAYALAKSHMI

... PETITIONERS / ACCUSED 1 to 3 & 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
THOOTHUKUDI,
CRIME NO.64 OF 2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.BHARATHIDASAN Advocate

For Respondent : Govt. Advocate (Crl. Side)

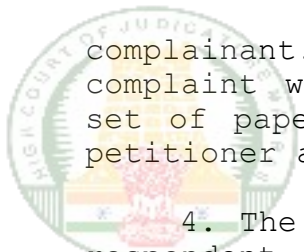
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The Petitioners, who are arrayed as A1 to A3 and A5 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465,468,471,420 IPC r/w 120(B) of IPC, in Crime No.64 of 2014 on the file of the respondent police and hence, seek anticipatory bail.

2. According to the de-facto complainant namely N.T.Sivasubramaniyan, the land to an extent of 12 cents in Survey No.48/5 of Agaram village, Srivaikundam Taluk along with three houses constructed therein, was originally owned by his father Thangavel Nadar and they have been in possession and enjoyment of the property for more than 40 years and in O.S.No.20 of 2010, the learned District Munsif, Srivaikundam held that the petitioners, the de-facto complainant and his brother Vel Subramanian are the absolute owners of the suit property. While so, on 07.05.2013. A1 by producing fabricated patta settled the property in favour of her two sons, namely A2 and A3 and A4 to A6 have signed as attesting witnesses in the settlement deed.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The learned Counsel further submitted that A1 is the mother of the petitioners 2 and 3 and the 4th petitioner has signed as a witness in the document and the property in question was originally owned by the grand father of the petitioners 2 and 3, namely Narayanasamy Nadar and patta was also issued in the year 1993 and the demise of the said Narayanasamy Nadar, the first petitioner/A1 had been in possession and enjoyment of the same and she also paid house taxes to the Government. However, the de-facto



complainant. Who is the neighbour of the petitioners filed this false complaint with an ulterior motive. The learned Counsel has filed typed set of papers containing the copy of patta issued in favour of the 1st petitioner and house tax receipts.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that A1 without having any right over the property has settled the same in favour of his two sons, namely A2 and A3 with a view to grab the property of the de-facto complainant.

5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1 Thoothukudi and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners 1 and 4 shall appear before the respondent police as and when required and the petitioners 2 and 3 shall appear before the respondent police at 10.30 a.m. for two consecutive Saturday and Sunday and thereafter as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The Petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
13/08/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.1 THOOTHUKUDI
 2. THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI
 3. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT. THOOTHUKUDI.
 4. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
- 1CC to M/S.V.BHARATHIDASAN Advocate SR.No.47056.

ORDER
IN
CRL OP(MD) No.11683 of 2015
Date :13/08/2015

2P/6C
AM/PRV/SAR(J)/18.08.2015.