



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

Monday, the Twenty Ninth day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.11727 of 2015

WEB COPY

1 MOHAMUTHAL
2 MOHAMED HANEEFA

... PETITIONERS/ACCUSED No.1 &3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MANUR POLCIE STATION,
TIRUNELVELI DISTRICT,
CRIME NO.192 OF 2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.H.ARUMUGAM Advocate

For Respondent : MR.K.V.RAJARAJAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for an alleged offence punishable under Sections 465,,467,468, 471 and 420 of IPC in Crime No.192 of 2015 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused 1 to 3 obtained false legal heir certificate from A6 / Thasildar and sold the property of the de facto complainant to the accused 4 and 5.

3.The learned counsel for the petitioners submitted that the de facto complainant is none other than the brother of the first accused and third accused is the husband of the first accused. He further submitted that the family partition entered between the family members in the year 1969 and the property in dispute was allotted to the de facto complainant and challenging the partition, the first petitioner had already instituted the suit in O.S.No.75 of 2015, before the Sub Court, Tenkasi and the same is still pending. The learned counsel further submitted that even as per the case of the de facto complainant, out of 2 acres and 10 cents, the first accused had sold only 5 cents to the accused 4 and 5. He further contended that the transaction between the petitioner and de facto complainant is purely civil in nature and by giving criminal colour the de facto complainant wants to settle it before the respondent police.

4. The learned Government Advocate (Crl. Side) vehemently opposed stating the petitioners by colluding themselves obtained a false legal heirs certificate from A6 and sold 5 cents of the de facto complainant to the other accused.

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5. Considering the relationship of parties and nature of allegations made in this case, I am inclined to grant anticipatory bail to the



petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-V, Thirunelveli and on each of them are 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 2nd petitioner shall appear before the respondent police daily at 10.00 am for a period of two weeks and thereafter, as and when required for interrogation. The 1st petitioner shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. 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/-
29/06/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
MANUR POLICIE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S.H.ARUMUGAM Advocate SR.No.34697

ORDER
IN
CRL OP(MD) No.11727 of 2015
Date :29/06/2015

PA/IV/01.07.2015/2P/6C