



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

Friday, the Twenty First day of August Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.15723 of 2015

1 CHELLATHANGAM
2 CHELLATHURAI
3 SIROMANI
4 KANAGARAJ

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP BY INSPECTOR OF POLICE
SPECIAL WING, ANTI LAND GRABBING,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CRIME NO. 18 OF 2012)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.S.RAMAKRISHNA DASS Advocate

For Respondent : Mrs.S.Prabha, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

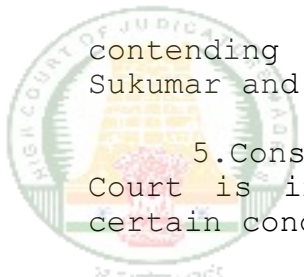
The petitioners, who are arrayed as accused apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 420, 468 and 471 of IPC, in Crime No.18 of 2012 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant that A1 and A2 have forged signature of one Saraswati Sukumar in the Will with a view to grab the property of the de-facto complainant, in which A3 and A4 signed as witnesses.

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 the paternal aunt of the petitioners 1 and 2, namely Saraswati Sukumar bequeathed the property in dispute in favour of A1 and A2 by a registered Will, dated 16.09.2001. Since the de-facto complainant, namely Rangabai, disputed the right of the petitioners 1 and 2, has filed a suit in O.S.No.335 of 2003 before the II Additional District Munsif Court, Kuzhithurai and after contest, the suit was decreed on 15.03.2014 and challenging the decree and judgment, the de-facto complainant has preferred an appeal and the same is pending. It is further submitted that the de-facto complainant had lost her battle before the civil court and with the influence of her husband, who is working as Special Sub Inspector of Police in Nagercoil Police station has filed this false complaint implicating the petitioners with an ulterior motive.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal side) appearing for the respondent opposed granting of anticipatory bail to the petitioners



contending that the accused have forged the signature of one Saraswati Sukumar and claimed right over the property.

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.I, Nagercoil 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 shall appear before the respondent police daily at 10.00 a.m for a period of two weeks 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/-
21/08/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, NAGERCOIL
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT
- 3 STATE REP BY INSPECTOR OF POLICE
SPECIAL WING, ANTI LAND GRABBING,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.S.RAMAKRISHNA DASS Advocate SR.No.48683

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ORDER
IN
CRL OP(MD) No.15723 of 2015
Date :21/08/2015