



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

Tuesday, the Eighteenth day of August Two Thousand Fifteen

WEB COPY

PRESENT

**THE HON`BLE MR JUSTICE K.KALYANASUNDARAM**

CRL OP (MD) No.15762 of 2015

1 KANNAPPAN,  
2 SAKUNTHALA  
3 MAHADEVAN  
4 SEKAR,  
5 RANI  
6 RAMA,  
7 RAJARAJAN  
8 PIRANMALAI,  
9 SENTHILVEL

... PETITIONER/ACCUSED 1 TO 9

Vs

K.V.VALANADU

.. PETITIONER/INTERVENER

STATE REP. BY  
THE INSPECTOR OF POLICE, OTHAKADAI POLICE  
STATION, MADURAI DIST. CR. NO. 417 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY Advocate

For Respondent : M/S.S.PRABHA Govt. Advocate ( Crl. Side)

For Intervener : M/S. VIJAYA SETHUPATHY Advocate

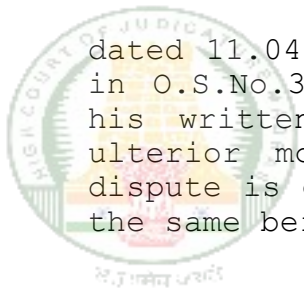
PETITION FOR BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A9 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 109, 147, 294(b), 323, 506(i), 468 and 420 of IPC, in Crime No.417 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.According to the de-facto complainant, he married the daughter of A1 and A2 on 24.11.2011 and subsequently, she died intestate due to her illness on 05.05.2014 and after her demise, A1 and A2 have forged the signature of their daughter and created a Will and also created guardianship documents.

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 and A2 died on 05.05.2014 leaving her female child with them and their daughter was suffering from some acute illness and considering the conduct of the de-facto complainant, she executed a Will,



dated 11.04.2015 and based on the Will, A1 had already instituted a suit in O.S.No.35 of 2015 against the de-facto complainant and after filing his written statement in the suit, this complaint is given with an ulterior motive. The learned counsel further submitted that a civil dispute is given a criminal colour to arm-twist the petitioners to settle the same before the respondent police.

4.Per contra, Mr.S.Vijayasethupathy, learned counsel appearing for the intervenor vehemently opposed granting of anticipatory bail to the petitioners contending that A1 and A2 have cheating intention and they have involved in three previous cases; that the wife of the de-facto complainant died intestate and after her demise, A1 and A2 have compelled the de-facto complainant to execute a release deed and since, he refused to oblige their demand, they created a Will forging the signature of his wife. The learned counsel further submitted that the accused are involved in previous cases in Crime Nos.68 of 2008 and 111 of 2015 and that the accused have trespassed into the house of the de-facto complainant and also committed theft of clothes, for which the de-facto complainant has given a complaint with the respondent police, which was received in CSR No. 240 of 2015 and therefore, the petitioners are not entitled for anticipatory bail

5.Heard the learned Government Advocate (Criminal side) appearing for the respondent and perused the records.

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

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Melur 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, 3, 4, 7 to 9 shall appear before the respondent police daily at 10.30 a.m until further orders and the petitioners 2, 5 and 6 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.

8.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/-  
18/08/2015

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



TO

1.THE JUDICIAL MAGISTRARE, MELUR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRARE, MADURAI.

3.THE INSPECTOR OF POLICE, OTHAKADAI POLICE  
STATION, MADURAI DIST.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADRUAI  
+1CC TO MR.S.MAHENDRAPATHY ADV.SR.NO.47471

ORDER

IN

CRL OP(MD) No.15762 of 2015

Date :18/08/2015

GJM/SK/SKN/SARJ-24.8.15-3P-6c