



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

Monday, the Twenty Third day of November Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.16514 of 2015

1 JOSSEPH
2 SURESH KUMAR

... PETITIONERS / ACCUSED 1 & 2

Vs

STATE REP BY
THE INSPECTOR OF POLICE
NACHIYAPURAM POLICE STATION
SIVAGANGAI DIST
CRIME NO 98 OF 2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S CHETTINAD LEGAL SOLUTIONS Advocate

For Respondent : Mr.K.Anbarasan, 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 the alleged offence punishable under sections 468, 471 and 420 of I.P.C, in Crime No.98 of 2015, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner forged the documents and sold the property of the defacto complainant to the second petitioner thereby the petitioners cheated the defacto complainant. Hence, the defacto complainant has given a complaint and the same has been registered in Crime No.98 of 2015 for the offences as stated supra.

3.The case of the petitioner is that the first petitioner and the defacto complainant are cousins and close relatives and the defacto complainant and the first petitioner's ancestors were executed an unregistered partition deed. Based on this, the first petitioner sold the property to the second petitioner. But due to oblique motive, this complaint has been preferred against the petitioners.

4.The Learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that due to political motive the defacto complainant has given the complaint against the petitioners. Originally, a case has been given before the respondent police. The respondent police advised both the petitioners and the defacto complainant to approach the civil Court. On filing petition before this Court, the case has been registered in Crime No.98 of 2015. This Court referred the matter before the respondent police and the defacto complainant did not appear.



5. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(crl. Side) appearing for the State and perused the materials available on record.

6. Considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on anticipatory bail. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Tiruppathur, Sivagangai District and on executing a personal 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. until further orders. 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/-

23/11/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, TIRUPPATHUR, SIVAGANGAI DISTRICT
- 2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE
NACHIYAPURAM POLICE STATION
SIVAGANGAI DIST
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

sm:sks-rr-SAR-II:26.11.2015:2P/5C

ORDER

IN

CRL OP(MD) No.16514 of 2015

Date :23/11/2015