



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

Tuesday, the Twenty Second day of September Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.18089 of 2015

1 CHINNA MUTHU THEVAR
2 ANGAMMAL
3 KASI @ KASIVATHIYAR
4 VIGNESHWARI
5 SELVARAJ
6 THAVAMANI
7 AMIRTHAVALLI
8 ESWARI

... PETITIONERS/ACCUSED NOS.1 TO 8

VS.

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
MADURAI DISTRICT.
(CRIME NO.39 OF 2015)

... RESPONDENT/COMPLAINANT.

For Petitioner : M/S D.S.HAROON RASHEED, Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

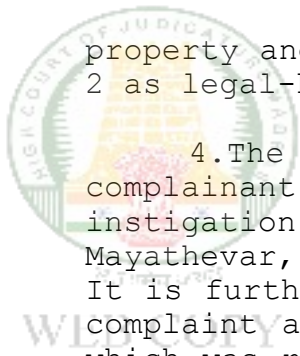
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as A1 to A8 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 120(B), 406, 468, 471 and 420 of IPC, in Crime No.39 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that A1 and A2 have entered into a sale agreement with the de-facto complainant to sell the property to an extent of 7 acres and 9 cents in various survey numbers at Mekkilarpatti, Usilampatti Taluk, Madurai District for sale consideration of Rs.45,00,000/- and the property was sold in the year 2012 and 2013 and later on, the de-facto complainant came know that A1 and A2 with the connivance of the other accused, have changed the patta in their name by fabricating a bogus Will and sold the property.

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 property was originally belonged to one Mayathevar, who had two wives and the said Mayathevar had bequeathed the entire property in favour of Vellaithai born through the first wife namely Petchiammal on 23.11.1935. It is further submitted that after the demise of the original owner, the said Vellaithai became the absolute owner of the



property and after her demise, the property devolved on the accused 1 and 2 as legal-heirs.

4.The learned counsel further submitted that the de-facto complainant purchased the property in the year 2012 and at the instigation of one Chinnakaruppan born through the second wife of Mayathevar, the present complaint has been filed with an ulterior motive. It is further submitted that the said Chinnakaruppan preferred a similar complaint against the petitioners before the Usilampatti Police Station, which was registered in Crime No.40 of 2014 and apprehending arrest, they moved anticipatory bail before this court in Crl.O.P(MD)No.6771 of 2014 and the same was allowed on 08.04.2014 and therefore, the second complaint for the same cause of action cannot be entertained. The learned counsel has produced the copy of the Will and the revenue records made in favour of A1 and A2 in the form of typed set of papers.

5.The learned Government Advocate (Criminal side) appearing for the respondent submitted that A1 and A2 have obtained patta in their favour by forging the Will, dated 23.11.1935 and cheated the de-facto complainant by receiving Rs.45,00,000/-.

6.Considering above 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 No.1, Madurai 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 3, 5 and 6 shall appear before the respondent police daily at 10.00 a.m until further orders and the petitioners 1, 2, 4, 7 and 8 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/-
22.09.2015

/True Copy/

Sub Assistant Registrar.

To

- 1.The Judicial Magistrate NO.1, Madurai.
- 2.The Chief Judicial Magistrate, Madurai District
- 3.The Inspector of Police, District Crime Branch, Madurai District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High court, Madurai.

+1CC to Mr.D.S.Haroon Raheed, Advocate, SR.No. 55999.

ORDER
IN

CRL OP(MD) No.18089 of 2015
Date :22/09/2015

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

AM/25.09.2015/AAL.MPA/SAR-II/2P/6C