



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

Friday, the Twentieth day of November Two Thousand Fifteen

PRESENT

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

CRL OP(MD) No.19434 of 2015

1 MOHAMMED ASARAT ALI
2 MOHAMMED IBRAHIM

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI CITY.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM Advocate

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

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

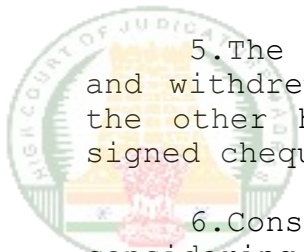
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 409, 417, 419, 420, 465, 468 and 471 of IPC, in Crime No.69 of 2012 on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the son of Asarat Ali has given a complaint stating that the petitioners are the brothers of the defacto complainant and they are forged the signature of their father and withdraw a sum of Rs.3,21,835/- from the bank account of their father and therefore, the case has been registered for the above said offences.

3.The case of the petitioners is that the defacto complainant is their own brother and their father fell in sick and while he was in conscious he gave a signed cheques to withdraw the money for his medical expenses. The petitioners did not forge their father's signature and their father died on 23.02.2011 inspite of the best treatment given by the petitioners. The complaint was given in the year 2012 and now the respondent police has threatened to arrest the petitioners. The petitioners are innocent persons and they have not committed any offences.

4.The learned Government Advocate(Crl.side) submitted that the <https://hccservicescourts.in/hccservices/> forged the signature of their father and withdrew the money from his bank account.



5.The charge is the petitioners forged the signature of their father and withdrew a sum of Rs.3,21,835/- from their father's account and on the other hand the petitioners alleged that their father only gave a signed cheques to withdraw the money for his medical expenses.

6.Considering the facts and circumstances of the case and also considering the nature of the case and the complaint is given in the year 2012, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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, Tirunelveli 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., until further orders. 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/-
20/11/2015

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.1
TIRUNELVELI

2 DO THRO THE CHEIF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI CITY.

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

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.66900.

ORDER
IN
CRL OP(MD) No.19434 of 2015
Date :20/11/2015

AM/23.11.2015/PM/SAR-I/2P/6C