



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

Thursday, the Fifth day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.1962 of 2015

1 K.MADHANAGOPAL
2 M.KUMAR

... PETITIONERS/ACCUSED 4 & 5

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL.
CR. NO.120/2014.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MAHENDRAPATHY Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

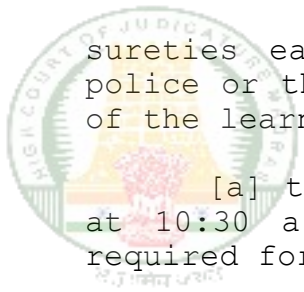
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120-B 417, 420, 465, 468 and 506(i) IPC in Crime No.120 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. This case has been registered pursuant to the direction issued under Section 156(3) Cr.P.C. by the learned Judicial Magistrate No.II, Dindigul. It is the case of the defacto complainant that Abraham (A1) is his brother and Marry Emalda (A2) is the wife of A1. According to the defacto complainant, he obtained 10 shops by way of settlement deed from his mother and was enjoying those shops. In the year 2004, he had given the shops for renovation work to A1 and A2. After renovation, it is alleged that both A1 and A2 are enjoying the property and not giving any rent to the defacto complainant. It is also alleged in the complaint that they have created a sale receipt and affidavit as if the defacto complainant had signed the same.

4. On reading of the complaint, it appears that the transaction had taken place in the year 2004. In this regard, a suit is pending in O.S.No.164 of 2014 before the Additional Sub Judge, Dindigul filed by A1 and A2. As regards these petitioners are concerned, they have signed as witnesses in the said receipt. FIR does not disclose what date the said receipt has been executed by A1 and A2. The dispute essentially appears to be a fight between brothers. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of service of this order, before the learned Judicial Magistrate No.II, Dindigul, on condition that each of the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10:30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioners shall give their specimen signature, specimen thumb impression, specimen handwriting etc, when demanded by Police;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-
05/02/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MAHENDRAPATHY Advocate SR.No. 5527

SR : 09.02.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.1962 of 2015
Date :05/02/2015