



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

Friday, the Ninth day of January Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23964 of 2014

1 LAKSHMANAN
2 MALLIKA
3 SENTHIL
4 SRINIVASAN

... PETITIONERS / ACCUSED NOS.1 TO 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
PUDUKKOTTAI.
CRIME NO.21/2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.KARUNANITHI Advocate

For Respondent : M/S.A.P.BALASUBRAMANI, Govt. Advocate (Crl.Side)

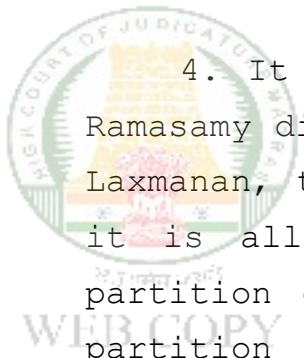
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.21 of 2014, on the file of the respondent police for offences under Sections 406, 420, 465, 468, 471 and 506(i) of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

2. This is the second anticipatory bail application. The first anticipatory bail application was dismissed by this Court in Crl.O.P.(MD)No.17688 of 2014 on 22.12.2014.

3. The learned counsel for the petitioners submits that he had failed to bring it to the notice of this Court in the earlier anticipatory bail application that the defacto complainant herself has sold the partitioned property to the first petitioner on 06.10.2005.



4. It is the case of the defacto complainant that her husband Ramasamy died in the year 2003. The said Ramasamy is the brother of Laxmanan, the first petitioner herein. After the death of Ramasamy, it is alleged in the complaint that Laxmanan had fabricated a partition deed dated 06.09.2002 as if Ramasamy had signed in the partition deed. On the basis of this representation, the earlier anticipatory bail was dismissed by this Court. Now, it is brought to my notice that the defacto complainant herself has executed a sale deed dated 06.10.2005 along with her children in favour of the first petitioner Laxmanan in which she has clearly stated that the property, which is being sold, was obtained by her husband by virtue of the partitioned deed, dated 06.09.2002.

5. The learned Government Advocate (crl. side) would submit that the Police do not have the original partition deed with them.

6. In response to this argument, the learned counsel for the petitioner produced a receipt dated 02.01.2015 signed by the Inspector of Police, Crime Branch, wherein it is seen that these petitioners have handed over the original documents to the Police and they have appeared before the Police for interrogation.

7. In such circumstances, I am inclined to grant anticipatory bail to the petitioners, but with conditions.

8. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance before the learned Judicial Magistrate, Pudukkottai on executing a separate 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] Except the second petitioner, the other petitioners shall report before the respondent police twice a day daily at 10.30 a.m. and 6.30p.m. for a period of four weeks and thereafter as and when required for interrogation.

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



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

[d] 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/-
09/01/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, PUDUKKOTTAI.
- 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, PUDUKKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.KARUNANITHI, Advocate SR.No.1185.

ORDER IN
CRL OP(MD) No.23964 of 2014
Date :09/01/2015

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