



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

Monday, the Twenty Third day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2545 of 2015

1 M. SIVALINGAM
2 V. MANIAN @ MANI
3 S. KALIMUTHU
4 S. RAMU

... PETITIONERS/ ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DISTRICT POLICE OFFICE,
DINDIGUL CRIME NO. NOT KNOWN OF 2015 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R. JEGADEESWARAN Advocate

For Respondent : MR.C.RAMESH, 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 offence punishable under Sections 406, 467, 447, 468, 420 and 506(ii) IPC, in Crime No.245 of 2015, on the file of the respondent police, seek anticipatory bail.

2. On 13.02.2015, this Court passed the following Order:-

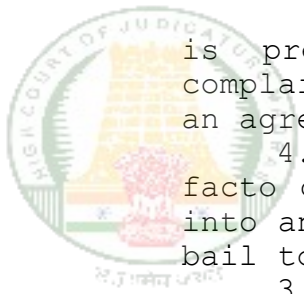
"Heard the learned Counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent.

2. The learned Counsel for the petitioners submitted that initially the de facto complainant filed a complaint before the Sub Inspector of Police, Town Police Station against these petitioners. When the police did not take action, the de facto complainant filed Crl.O.P.(MD)No.21362 of 2014 and this Court by order dated 26.11.2014 directed the Sub Inspector of Police, Palani Taluk Police to register the case, in which Cr.No.586 of 2014 for offence under Sections 420, 406, 447, 294(b) and 506 (ii) I.P.C. was registered against this petitioners. At this stage, these petitioners approached this Court in Crl.O.P.(MD) No.22063 of 2014 for anticipatory bail and this Court had granted anticipatory bail after observing as follows:

" 2. It is the case of the prosecution that the petitioner had taken around Rs.10,00,000/- from the de facto complainant for agricultural operations and that he had not repaid the amount.

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

3. Now, it is submitted by the learned Government Advocate (Criminal Side), on instructions from the concerned police, who



is present here that the petitioner and the de facto complainant have mutually settled this matter by entering into an agreement, dated 09.01.2015.

4. Considering the fact that the petitioner and the de facto complainant have mutually settled the matter by entering into an agreement, this Court is inclined to grant anticipatory bail to the petitioner."

3. The learned Counsel for the petitioners submitted that the de facto complainant has suppressed Cr.No.586 of 2014 and has submitted the second complaint before the respondent police herein and again obtained a direction in CrI.O.P.(MD)NO.23660 of 2014, pursuant to which, the respondent herein has registered the present case in Cr.No.2 of 2015.

4. Therefore, this Court called for the records from the respondent police and went through the F.I.R. On a reading of the complaint given by the de facto complainant, it is seen that the de facto complainant has not suppressed about the earlier proceedings in Cr.No.586 of 2014. The de facto complainant has stated that the petitioners had obtained anticipatory bail in Cr.No.586 of 2014 and thereafter, they have created the document dated 07.06.2014 as if the de facto complainant's mother Uma Pitchai and the de facto complainant's brother Janath Kumar have executed a lease deed in favour of the petitioners for three years. On the strength of this document, the petitioners have filed a suit in O.S.No.284 of 2014 before the District Munsif Court, Palani against the de facto complainant.

5. The learned Government Advocate (Crl.Side) produced the discharge summary relating to the medical treatment of Uma Pitchai obtained from Sri Ramakrishna Hospital, Coimbatore, which clearly states that Uma Pitchai was admitted on 04.06.2014 and was discharged from the hospital on 09.06.2014 and she was under treatment for cardiological ailments. Therefore, the petitioners could never have obtained the lease deed on 07.06.2014, when Uma Pitchai was hospitalised.

6. It is represented by the learned Government Advocate (Crl.Side) that Uma Pitchai subsequently died on 15.09.2014 and it is also submitted by the learned Government Advocate (Crl.Side) that the other signatory viz., Janath Kumar died on 19.10.2014, who is the brother of the defacto complainant. Thus on the strength of the alleged lease deed executed by the two dead persons, the petitioners have claimed right over the property of the de facto complainant. The allegations are indeed very serious. The stamp paper itself has been purchased only on 06.06.2014 in Palani and the witnesses who were signed in the document is in Palani area and no one is from Coimbatore area. Therefore, this makes the Court to suspect the genuineness of the document dated 07.06.2014. It is also seen that only after the death of Uma Pitchai and Janath Kumar, the suit has been filed by the petitioners on 04.12.2014.

7. At this juncture, the learned Counsel for the petitioners seeks time to get instructions.

8. Call on 16.02.2015 "For Orders".

3. On 16.02.2015, a further request of adjournment was made and this Court, considering the same, posted the case today under the caption "For Orders". The learned counsel for the petitioners sought permission of this Court to withdraw the Criminal Original Petition. Since the case is posted under the caption "For Orders", this Court has declined to



grant permission to withdraw the Criminal Original Petition. On going through the materials produced by the prosecution, as stated above, the allegations against the petitioners are very serious, and therefore, the Criminal Original Petition stands dismissed.

sd/-

23/02/2015

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WEB COPY

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

TO

1.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DISTRICT POLICE OFFICE,
DINDIGUL.

2.THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R. JEGADEESWARAN Advocate SR.No.8487

ORDER

IN

CRL OP(MD) No.2545 of 2015

Date :23/02/2015

RG.25.02.2015 3P.4C.