



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

Monday, the Thirtieth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3663 of 2015

1 AKILAMBAL
2 KRISHNAN
3 T. SOUNDARAM
4 MUTHUSAMY

... PETITIONERS / ACCUSED NO.1 TO 4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, DINDIGUL DT,
CRIME NO.31/2012 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.ANAND 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 :-

Apprehending arrest at the hands of the respondent police in Crime No.31 of 2012, on the file of the respondent police for the offence under Sections 120(B), 465, 467, 468, 471, 420 and 506(i) IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (crl. side).

3. On 12.03.2015, this Court, while granting interim anticipatory bail, passed the following order:-

"The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 465, 467, 468, 471, 420 and 506(i) IPC in Crime No.31 of 2012 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 was registered in the year 2012. The respondent police have filed a Status Report in which in Paragraph No.5, it is stated as follows:

"5. I respectfully submit that the documents were sent to Forensic Science Laboratory, Madurai, for identify and compare the signatures. The Deputy Director, Forensic Science Laboratory, Madurai, in his letter in T.No.9313 of 2013 dated 05.08.2014 submit his report before the learned Judicial Magistrate No.II,

in her result she found that "it is not possible to offer any reliable opinion on the red enclosed signature stamped and marked Q on a comparison



with the red enclosed signature similarly stamped and marked S1 to S11."

4. The case of the defacto complainant is that she purchased a property from one Sivakumar on 24.07.1991 and registered the same as Doc.No.361/91 on the file of SRO, Vadamadurai. According to the defacto complainant, her brother Soundiram (A3) had set up another person and had the defacto complainant's property registered in the name of Agilambal (A1) on 19.09.1993 vide Doc.No.347/93.

5. Learned counsel for the petitioners submits that the Document No.347/93 was executed by the defacto complainant herself and the allegation that someone impersonated the defacto complainant is not correct. Learned counsel for the petitioners further submits that the defacto complainant had purchased the property by a deed of sale dated 24.07.1997 from one Sivakumar and the said sale deed was registered as Doc.No.361/93 and not as 361/91.

6. Under such circumstances, I am of the view that this is a fit case to grant interim anticipatory bail to these petitioners. Accordingly, Interim Anticipatory Bail is granted to these petitioners upto 26.03.2015 and the petitioners shall report before the respondent police daily at 05:30 p.m. for interrogation till then and shall also give their specimen signatures, thumb impression, hand writing samples etc, when demanded by the respondent police.

7. In the event of arrest, the petitioners are directed to be released on bail on each of them executing a bond for Rs.10,000/- (Rupees Ten Thousand only) without sureties to the satisfaction of the Arresting Officer.

Call on 26.03.2015. On the said date, the respondent police shall file a status report as to the stage of investigation."

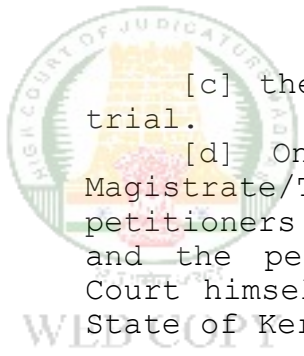
4. The interim order was extended on 26.03.2015 till today (30.03.2015). It is seen that the allegation of the defacto complainant is that her brother Soundaram had set up some persons and sold her property to Akilambal some time in the year 1993. For the incident that had taken place in the year 1993, the defacto complainant has lodged a complaint against her brother Soundaram and the purchaser Akilambal in 2012, based on the complaint that was given to the Chief Minister Cell.

5. Under such circumstances, this Court is of the view that this is a fit case for granting anticipatory bail to the petitioners, but with conditions.

6. 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.II, Dindigul 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) The petitioners 2 to 4 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. The first petitioner shall appear before the respondent police as and when required.

<https://hcservices.courts.gov.in/hcservices> 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/-
30/03/2015

/ 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 ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4.THE INSPECTOR OF POLICE
DISTRICR CRIME BRANCH, DINDIGUL DT.
- +1. CC to M/S.R.ANAND Advocate SR.No.15739

ORDER
IN
CRL OP(MD) No.3663 of 2015
Date :30/03/2015

rg.01.04.2015

3p.6c.