



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

Thursday, the Fourteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.10664 of 2016

1 P.MOORTHY

2 PRASANNA SANKAR

... PETITIONERS/ACCUSED NOS.1 AND 3

Vs

THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION
TRICHY DISTRICT
(CRIME NO.203 OF 2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S A.VADIVEL Advocate

For Respondent : M/S.K.ANBARASAN,

Government 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 & 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 458, 471 of IPC, in Crime No.203 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the father of the defacto complainant and the first petitioner executed a Will on 24.12.1986. Subsequently, the father of the defacto complainant and the first petitioner cancelled the Will executed by him. On 30.10.1991 another Will was executed. The first petitioner created a forged document alleged that he has given Rs.50,000/- to the defacto complainant and defacto complainant executed release deed on 08.03.2011, forging the signature of the defacto complainant. On complaint, case has been registered for the above said offences.

3.The case of the petitioners is that the first petitioner and the defacto complainant are brother and sister and the second petitioner is the son of the first petitioner. There is a civil dispute pending between the petitioner and defacto complainant and other brothers. The petitioner filed O.S.No.1152 of 2014 for permanent injunction before the District Munsif, Trichy. The defacto



complainant filed suit in O.S.No.302 of 2016 before the same Court challenging release deed. Both the suits are pending. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Crl.Side) that the petitioner and the defacto complainant are brother and sister and they have filed the suits and both the suits are pending.

5.Considering the facts and circumstances of the case and also considering the fact that both the petitioners and the defacto complainant are claiming right over the property based on the Will executed by the father of the first petitioner and the Civil Suits filed by the first petitioner and the defacto complainant are pending, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 receipt of a copy of this order, before the learned Judicial Magistrate No.III, Trichy, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the first petitioner shall report before the respondent Police as and when required and the second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-

14/07/2016

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. III
TRICHY

WEB COPY

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT

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

4. THE INSPECTOR OF POLICE
JEEYAPURAM POLICE STATION
TRICHY DISTRICT

+1. CC to M/S A.VADIVEL Advocate SR.No.36506

RL/6C/2P/ARK/PV/20/7/2016

ORDER

IN

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Date :14/07/2016