



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

Wednesday, the Sixth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11016 of 2016

M.MALINI

... PETITIONER / ACCUSED No.3

Vs

The State represented by
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR
CR. NO. 8 OF 2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S R.PANDI MAHARAJA Advocate

For Respondent : Mr.P.Kannithevan Govt. Advocate (Crl. Side)

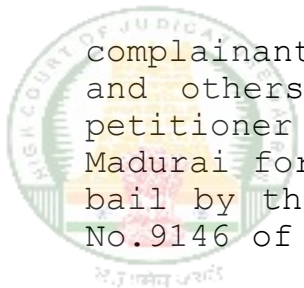
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.3, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 471,468 and 420 IPC, in Crime No.8 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the de facto complainant is the brother of second petitioner/A.2 and son of the first petitioner/A.1. The property-in-question belongs to the mother of the de facto complainant viz., Tamilmani. According to the de facto complainant, his mother viz., Tamilmani died on 12.01.2003, leaving behind A.1 to A.3 and de facto complainant as her legal heirs. While so, on 05.11.2007, suppressing the fact that he is also one of the legal heirs of Tamilmani, the petitioner alongwith A.1 and A.2 executed a power of attorney to A.4, Mumtaj Begam, who in turn executed a sale deed in favour of A.5, Gengammal with regard to the property belonging to his mother, without informing the same to the de facto complainant. On 20.02.2015 at about 04.00 p.m., when he questioned about the same, the accused 1 to 3 threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that she is an innocent person and she has not committed any offence as alleged by the prosecution. Based on the family arrangement and oral partition, the property in question was allotted to A.2 and the petitioner herein, who is the sister of the de facto complainant. Earlier, the de facto



complainant has sent a legal notice on 15.12.2015 to the petitioner and others and filed a suit in O.S.No.1363 of 2015 against the petitioner and others on the file of the Third Additional Sub Court, Madurai for partition. A.1 and A.2 were already granted anticipatory bail by this court vide order dated 13.06.2016 made in Crl.O.P(MD) No.9146 of 2016.

4.The learned Government Advocate (Criminal side) submitted that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner and de facto complainant are close relatives and the de facto complainant already filed a civil suit before the concerned Court for partition and A.1 and A.2 were already granted anticipatory bail by this court vide order dated 13.06.2016 made in Crl.O.P(MD)No.9146 of 2016, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, on condition that 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police as and when required for interrogation;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
06/07/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR.

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

+1. CC to M/S R.PANDI MAHARAJA Advocate SR.No.35441

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ORDER

IN

CRL OP(MD) No.11016 of 2016

Date :06/07/2016