



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

Monday, the Eighteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11921 of 2016

MARAGATHA MARY

... PETITIONER/ACCUSED

Vs

STATE REB.BY
THE INSPECTOR OF POLICE
KOPPAMPATTI POLICE STATION,
THOOTHUKUDI DISTRICT,
CR NO. 105 OF 2015.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S V.KARTHIKEYAN Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate (Crl. Side)

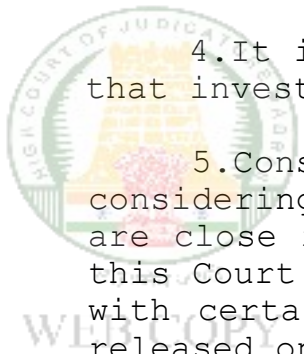
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406, 420, 424, 465 and 468 of IPC, in Crime No.105 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was permitted to construct the house in the land belonged to the defacto complainant on promising to pay the sale consideration and execute a sale deed before obtaining the Electricity Connection. Subsequently, the petitioner forged the document and obtained Electricity Connection and property tax receipts and cheated the defacto complainant. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent and she has not committed any offence as alleged by the prosecution and the defacto complainant is the brothers son of the petitioner and the property in question is joint family property. The petitioner and her two sisters filed a civil suit in O.S.No.33 of 2015, before the Subordinate Court, Kovilpatti for partition and the said suit is pending and prays for anticipatory bail in favour of the petitioner.



4.It is submitted by the learned Government Advocate (Cr1.Side) that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the petitioner and the defacto complainant are close relatives and the partition suit is pending between them, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner ordered to be released on bail in the event of arrest or on her 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, Kovilpatti, 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]**.

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 petitioner is complying with the conditions or not.

sd/-
18/07/2016

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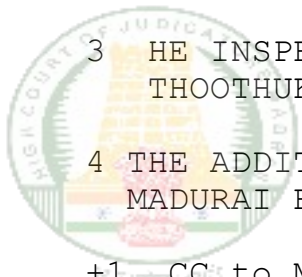
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, NO.11, KOVILPATTI.

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

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.



3 HE INSPECTOR OF POLICE KOPPAMPATTI POLICE STATION,
THOOTHUKUDI DISTRICT,

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

+1. CC to M/S V.KARTHIKEYAN Advocate SR.No.37373

WEB COPY

ORDER

IN

CRL OP(MD) No.11921 of 2016

Date :18/07/2016

SDR/PEK/SAR III/22.07.2016/3P/6C