



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

Thursday, the Twenty First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12245 of 2016

1 UMAMAHESWARI
2 GOVINDARAJ

... PETITIONERS/ACCUSED 1&2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL POLICE STATION,
THANJAVUR.
(CRIME NO. 12 OF 2016) ... RESPONDENT/ COMPLAINANT

For Petitioner : M/S R.SIVASUBRAMANIAN Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

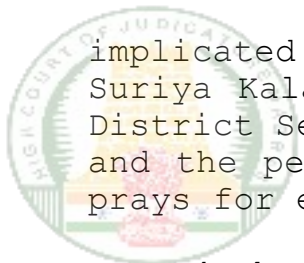
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who are arrayed as accused nos 1 and 2 were arrested and remanded to judicial custody on 14.06.2016 for the alleged offence punishable under Sections 420,465,468 and 471 of IPC in Crime No.12 of 2016, on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the first petitioner who is the daughter of the defacto complainant fraudulently settled the property belonging to the defacto complainant, to her husband / second petitioner. On complaint, a case has been registered for the above said offences.

3. The learned counsel for the petitioners submitted that the property belonged to the father of the first petitioner. He deserted his wife due to her adulteries life and he is living with another person. Further, O.S.No.118 of 2016 on the file of the District Munsif, Kumbakonam is pending between the parties and at the instigation of paramour, the defacto complainant has given a false complaint against the petitioners. He further submitted that petitioners are innocent and they have not committed any offence as alleged by the prosecution and their name have been falsely



implicated in this case. He further contended that one of the sister Suriya Kala, W/o. M. Sekar filed an affidavit before the Principal District Sessions Judge, Thanjavur in favour of the first petitioner and the petitioners are in judicial custody from 14.06.2016 and he prays for enlarging the petitioners on bail.

4.The learned Government Advocate(Crl.side) submitted that the first petitioner without having any title by obtaining legal heirs certificate showing her alone as legal heir to her father and settled the property of the second petitioner and cheated the defcto complainant and others and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the suit in O.S.No.118 of 2016, is pending before the learned District Munsif, Kumbakonam, I am inclined to enlarge the petitioners on bail with certain conditions. Accordingly, the petitioners is ordered to be released on bail, subject to the following conditions:

- (i) 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 learned Judicial Magistrate, Special Court for Land Grabbing Cases, Thanjavur.
- (ii) the petitioners shall appear before the respondent Police daily at 10.00 am until further orders.
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial.
- (v) 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 condition or not.

sd/-
21/07/2016

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE
SPECIAL COURT FOR LAND GRABBING CASES
THANJAVUR

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

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

4. THE OFFICER-IN-CHARGE
CENTRAL PRISON, TRICHY

5. THE OFFICER-IN-CHARGE
WOMEN PRISON, TRICHY

6. THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL POLICE STATION,
THANJAVUR.

+1. CC to M/S R.SIVASUBRAMANIAN Advocate SR.No.38336
RL/8C/3P/SK/SKN/SARI/21/7/2016

ORDER

IN

CRL OP (MD) No.12245 of 2016

Date :21/07/2016