



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen
PRESENT

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

CRL OP(MD) No.14408 of 2016

1 THAVAMANI
2 MAHARAJAN
3 KANCHAMMAL

... PETITIONERS / ACCUSED Nos.1 to 3
Vs

State represented by
THE INSPECTOR OF POLICE
APPANTHIRUPPATHI POLICE STATION,
APPANTHIRUPPATHI, MADURAI DISTRICT.
CR. No.24/2016

... RESPONDENT / COMPLAINANT

N.SUBAITHA BEEVI

... PETITIONER/INTERVENER

For Petitioner : M/S.M.JEGADEESHAPANDIAN Advocate

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

For Intervener : Mr.S.Thangaraj, Advocate

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 to 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 IPC, in Crime No.24 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the property in question belongs to the father of the defacto complainant and by fabricating document of the said property, the accused Nos.1 and 2 sold to one Sadiq Ansari, in which, other accused are attesting witnesses in the said registration. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The allegation against the petitioners is that one Alagu Aasari, who is the father of the petitioners 1 and 2 and husband of the third petitioner, sold the property to one Duraisami Naidu, who in turn sold the same to the father of the defacto complainant. Taking advantage of the same, the petitioners created documents in the year 2004 and sold the property to A.6 in the year 2008 without having any title and thereby cheated the defacto complainant and other legal heirs of her father.



5.The learned counsel for the Intervenor reiterated the averments made in the complaint.

6.The learned Government Advocate (Criminal Side) submitted that the investigation is pending.

7.Considering the contention of the learned counsel for the petitioners that the petitioners sold the property to A.6 in the year 2008 and the contention of the learned counsel for the Intervenor that she is in possession and enjoyment of the property and pendency of patta proceedings before the Revenue Divisional Officer and civil suit before the trial Court and all the transactions are evidenced by the documents, custodial interrogation of the petitioner is not required, 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.V, Madurai, 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 petitioners 1 and 2 shall report before the respondent Police daily at 10.00 a.m. until further orders and third petitioner shall report before the respondent Police as and when required.
- (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]**.

8.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/-
30/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.V, MADURAI

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
APPANTHIRUPPATHI POLICE STATION,
APPANTHIRUPPATHI, MADURAI DISTRICT.

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

+1. CC to M/S.M.JEGADEESHAPANDIAN Advocate SR.No.48185

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ORDER

IN

CRL OP(MD) No.14408 of 2016

Date :30/08/2016