



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14485 of 2016

VEERAMMAL

... PETITIONER/ACCUSED

Vs

STATE BY INSPECTOR OF POLICE,
DCB., THENI DT. CR.NO.6 OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.RAJAN Advocate

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

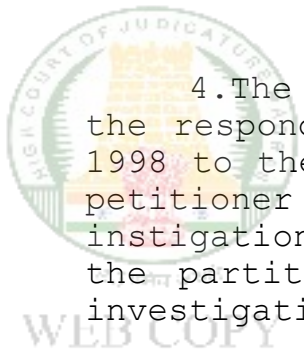
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420 & 506(ii) IPC, in Crime No.6 of 2014, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased 87 cents of land comprised in Survey No.57/1 on 09.03.1998 and she got patta in her name and she is cultivating the land from the date of purchase. While so, the petitioner on 22.11.2012 fraudulently partitioned the property and allotted to her son Seeman/A.2. Based on the fabricated document, A.2 sold the property to A.3. When the defacto complainant and her family members were in the Village, the petitioner/A.1 along with A.2 and A.3 trespassed into the land and started ploughing the land and when the defacto complainant and others questioned the same, they threatened them with dire consequences and tried to murder 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 aged 85 years and the defacto complainant took the petitioner to Registration Office on pretext for witnessing of transaction and got the sale deed executed fraudulently in her favour and there was a partition between the family members of the petitioner and she is an innocent person and she has not committed any offence as alleged by the prosecution.



4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that having sold the property in the year 1998 to the defacto complainant, subsequently in the year 2012, the petitioner fraudulently partitioned the very same property at the instigation of other accused and allotted to her son-Seeman/A.2 in the partition and A.2 was arrested and enlarged on bail and the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that A.2-Seeman was arrested and enlarged on bail and also considering the age of the petitioner and the complaint is of the year 2014, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, 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:

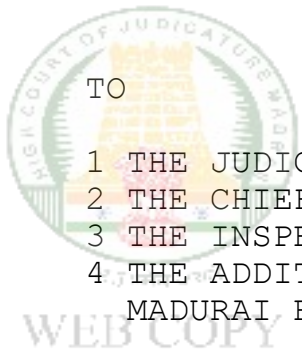
- (i) the petitioner shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach 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/-
19/08/2016

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 3 THE INSPECTOR OF POLICE, DCB., THENI DT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.RAJAN Advocate SR.No. 45763

JA-AAL-MPA-SAR.I/29.08.2016/3P:6C

ORDER

IN

CRL OP(MD) No.14485 of 2016

Date :19/08/2016