



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

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14648 of 2016

1 SIVAMUTHU
2 UMA
3 ANANTHI

... PETITIONER/ACCUSED NO.1,2&3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 14 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.RAMASAMY Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

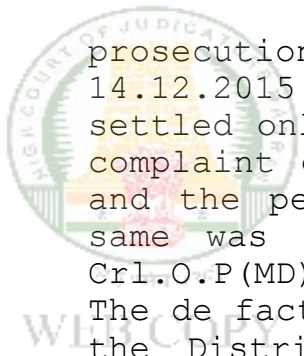
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1, 2 and 3 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471 and 120(B) IPC, in Crime No.14 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 is originally belonged to the mother of the de facto complainant and petitioners and she did not give any share to the de facto complainant. Therefore, the de facto complainant filed O.S.No.27 of 2014 on the file of the District Court, Virudhunagar District at Srivilliputhur, for partition against the mother and the petitioners herein. While the said suit was pending, the mother of the de facto complainant executed a settlement deed dated 14.12.2015 giving 56 cents in favour of the de facto complainant and the mother, de facto complainant and petitioners entered into a compromise pending the suit. While so, the mother of the de facto complainant died. After the death of the mother, the petitioners 2 and 3 executed a settlement deed in favour of the first petitioner on 16.03.2016 including the share of the de facto complainant. On complaint, a case has been registered for the above said offences.

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

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



prosecution. The mother of the petitioners settled 56 cents on 14.12.2015 to the de facto complainant. The petitioners 2 and 3 settled only their shares to the first petitioner. Earlier, on the complaint given by the de facto complainant, enquiry was conducted and the petitioners produced all the documents and thereafter the same was closed. Subsequently, the de facto complainant filed CrI.O.P(MD)No.8680 of 2016 before this Court for registering a case. The de facto complainant also filed O.S.No.27 of 2014 on the file of the District Court, Virudhunagar District at Srivilliputhur for partition and the said suit is pending.

4.The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case has been registered and investigation is pending.

5.Considering the nature of allegation made against the petitioners and the contention of the learned counsel for the petitioners that the petitioners 2 and 3 settled only their shares to the first petitioner and pendency of the suit for partition, 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.II, Virudhunagar, 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:

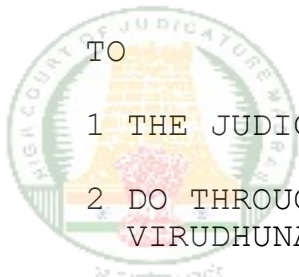
- (i) the petitioners shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach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

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 conditions or not.

sd/-
12/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II,VIRUDHUNAGAR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING SPECIAL CELL, VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.S.RAMASAMY Advocate SR.No.44321

SMN

CSL/KP/SAR-III/22.08.2016: 3P/6C

ORDER

IN

CRL OP (MD) No.14648 of 2016

Date :12/08/2016