



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

Tuesday, the Twenty Second day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.20647 of 2016

1 M.SATHIYARAJ

2 MURUGAN

..PETITIONERS/ACCUSED 1 & 2

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

KADALKUDI POLICE STATION,

TUTICORIN DISTRICT.

CR. NO.34/2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.MURUGAN Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 465, 571, 420 and 120(b) IPC in Crime No.34 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3.The case of the prosecution is that the petitioners forged the document and grabbed the property of the defacto complainant.

4.Learned counsel for the petitioners submitted that the second petitioner is the father of the first petitioner and according to them, they are in possession and enjoyment of the property and that sale deed has been registered.

5.Learned Government Advocate (Crl. Side) submitted that the petitioners have forged the document of the defacto complainant.

6.Considering the facts and circumstances of the case and also taking note of the fact that custodial interrogation of the first petitioner is required and also considering the fact that the second petitioner is a senior citizen, this Court is inclined to grant anticipatory bail to the second petitioner only. **In respect of the first petitioner, this petition is dismissed.**



7. Accordingly, the second petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Vilathikulam, subject to the following conditions:

(i) the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) the second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii) the second petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the second petitioner shall not abscond either during investigation or trial.

[v] on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on bail by the 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]**.

sd/-

22/11/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, VILATHIKULAM, THOOTHUKUDI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI

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

4 THE INSPECTOR OF POLICE, KADALKUDI POLICE STATION,
TUTICORIN DISTRICT.

+1. CC to M/S.R.MURUGAN Advocate SR.No.71536

ORDER IN

CRL OP(MD) No.20647 of 2016

Date :22/11/2016

PBK/SK-SKN/SAR-III 28/11/2016 ::2P-6C: