



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

Wednesday, the Ninth day of November Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21312 of 2016

D.RAJATHI

... PETITIONER/ACCUSED NO.3

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
MADURAI.
(CRIME NO.56 OF 2014)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.D.SIVARAMAN Advocate

For Respondent : MRS.S.PRABHA, Govt. 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 120(b), 406, 420, 294 (b) and 506(i) IPC in Crime No.56 of 2014 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

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

3. According to the petitioner, the original owner of the property was one Muthu Karuppa Thevar and thereafter, the property devolved upon his son; that on 24.03.2005, a power of attorney was given to A2 and based on the said power of attorney, a sale deed was executed in favour of the petitioner on 08.07.2005; that the name of the petitioner was also entered into the patta passbook in the year 2006; that when the defacto complainant attempted to interfere with the possession of the petitioner, she filed a suit in O.S.No. 75 of 2011, in which an exparte decree was passed on 31.01.2012 in favour of the petitioner and thereafter, a complaint was lodged on 30.05.2012 by the defacto complainant, alleging that documents have been forged; that for the reasons best known to the complainant, subsequently, he withdrew the complaint on 14.06.2012 and that thereafter again for the very same incident, the present complaint has been lodged.

4. Learned Government Advocate(Crl.side) submitted that the incident is said to have taken place in the year 2005 and it is a case of purely civil in nature.



5. Considering the facts and circumstances of the case and also taking note of the fact that the petitioner has got an exparte order in her favour and the fact that defacto complainant also withdrew the complaint earlier in order to work out his remedy before the appropriate forum and that the dispute is of civil in nature, this Court is of the view that custodial interrogation of the petitioner is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of her arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.1, Madurai, subject to the following conditions:

(i) 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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) the petitioner shall report before the respondent police on all Saturdays and Sundays at 10.30 a.m. for one month and thereafter, as and when required for interrogation;

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

(iv) the 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 petitioner in accordance with law as if the conditions have been imposed and the 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/-

09/11/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, MADURAI
- +1. CC to M/S.D.SIVARAMAN Advocate SR.No.67587.

ORDER

IN

CRL OP(MD) No.21312 of 2016

Date : 09/11/2016