



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

Thursday, the Twenty Fifth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) Nos.3221 and 3398 of 2016

WEB COPY

GOPAL

... PETITIONER/ACCUSED NO.1
in CRL OP(MD)No.3221 of 2016

PRAKASH

... PETITIONER/ACCUSED NO.2
in CRL OP(MD)No.3398 of 2016

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.
CR.NO.8 OF 2016

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner
in CRL OP(MD)No.3221 of 2016 : M/S.J.DEVASENAN, Advocate
in CRL OP(MD)No.3398 of 2016 : MR.R.ILAYARAJA, Advocate

For Respondent
in Both the Petitions : MR.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side)

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468, 471, 406, 420, 120(b) and 506(i) I.P.C. in Crime No.8 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned Counsel for the petitioners and the learned Government Advocate(Crl.Side) appearing for the State.

3. This case has been registered pursuant to the direction issued by this Court in Crl.O.P.No.960 of 2016. It is the case of the defacto complainant that the property in question belongs to his father from whom, the defacto complainant got settlement deed. In the complaint, the defacto complainant has not stated the date of settlement. However, the accused are none other than the paternal uncle's sons of the defacto complainant.

It is the case of the petitioner in Crl.O.P.(MD)No.3221 of 2016 that the property is an ancestral property and they are also living in the same property since 1971 and further there is a suit in O.S.No.113 of 2015 filed by the petitioner's father Ramasamy Naidu against the defacto complainant.

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

As far as the petitioner in Crl.O.P.(MD)No.3398 of 2016 is concerned, he is the Village President who is said to have been helped the petitioner in Crl.O.P.(MD)No.3221 of 2016.



5. Taking into consideration the nature of allegations, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners 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, Theni District on condition that each of 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall appear before the respondent police as and when required for interrogation;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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]**.

(e) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the first petitioner is complying with the order or not.

sd/-

25/02/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE, THENI DISTRICT.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, THENI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THENI DISTRICT.

+2CC to M/S J.DEVASENAN Advocate SR.No.10920

akm/01.03.2016/2p-7c/AAL/MPA/SAR-I

ORDER

IN

CRL OP (MD) Nos.3221 and 3398 of 2016

Date :25/02/2016