



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

Wednesday, the Thirtieth day of March Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.4960 of 2016

1 RAMA
2 KANNAPPAN
3 M. RANI
4 V. NAGAMANI
5 N. CASTRO
6 S. MAHADEVAN
7 K. SAKUNTHALA
8 S. SEKAR
9 M. RAJARAJAN

... PETITIONERS/ACCUSED No. 1 to 9

Vs

STATE REP BY THE INSPECTOR OF POLICE
THIRUPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT,
CR NO. 118OF 2016.

... RESPONDENT/COMPLAINANT

N. RADHA

... INTERVENOR

For Petitioner : M/S P.T.RAMESH RAJA Advocate
For Respondent : MR.A.P.BALASUBRAMANI Govt. Advocate (Crl. Side)
For Intervenor : MR.V.VIJAYASETHUPATHY Advocate

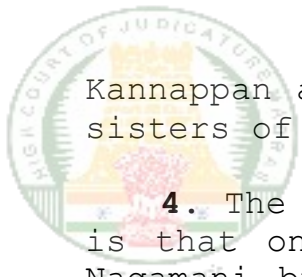
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 120(b), 467, 468, 471, 420, 294(b), 506(i) I.P.C., in Crime No.118 of 2016, on the file of the respondent Police, seek anticipatory bail.

2. Heard Mr.P.T.Ramesh Raja, learned counsel appearing for the petitioners / accused 1 to 9, Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State and Mr.V.Vijayasethupathy, learned counsel appearing for the intervenor, who strongly objected to grant anticipatory bail to the petitioners / accused 1 to 9.

3. It is seen that the *de facto* complainant is none other than the daughter of the petitioners 2 and 7 / accused 2 and 7, by name,



Kannappan and Sakunthala and the other petitioners are brothers and sisters of the *de facto* complainant.

4. The sum and substance of the case of the *de facto* complainant is that on 16.10.2002, a sale deed was executed in favour of one Nagamani by Kannappan and Radha, wife of Sekar, in respect of the property belonging to the *de facto* complainant and it is alleged by the *de facto* complainant that she has not executed the said sale deed. On reading of the sale deed, dated 16.10.2002, it is seen that the second vendor has been shown as Radha, wife of Sekar, but Radha's husband is not Sekar. In this connection, the learned counsel for the petitioners / accused 1 to 9 submitted that infact Radha's husband is not Sekar and her husband is Navaneethan. The document writer wrongly referred Radha's husband as Sekar and if there is any guilty intention on the part of the petitioners / accused 1 to 9, they would not make such a silly mistake.

5. It is seen that the respondent Police have collected the thumb impression of the *de facto* complainant and sent the same for comparison with the thumb impression found in the impugned document. Under such circumstances, this Court is of the view that custodial interrogation of the petitioners / accused 1 to 9 may not be essential and hence this Court is inclined to grant anticipatory bail to them.

6. 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, Manamadurai, on condition that each of the petitioners / accused 1 to 9 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 2, 4, 5, 6, 8 and 9 / accused 2, 4, 5, 6, 8 and 9 shall report before the respondent Police daily at 06.30 p.m., until further orders and the petitioners 1, 3 and 7 / accused 1, 3 and 7 shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioners / accused 1 to 9 shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners / accused 1 to 9 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 / accused 1 to 9 in accordance with law as if the conditions have been imposed and the petitioners / accused 1 to 9 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]**.

7. 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/-
30/03/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, MANAMADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI
- 3 THE INSPECTOR OF POLICE
THIRUPUVANAM POLICE STATION, SIVAGANGAI DISTRICT
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S P.T.RAMESH RAJA Advocate SR.No.17900
+1cc to Mr.V.VIJAYASETHUPATHY, Advocate Sr.No.17745

ORDER
IN
CRL OP(MD) No.4960 of 2016
Date :30/03/2016

KRK
AA/SK-SKN/AR-I/01.04.2016/3p-7c