



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

Tuesday, the Fifth day of April Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5850 of 2016

1 A.RAMAKRISHNAN

2 A.KANNAN

3 A.PARAMASAMY

4 A.MAHARAJAN

... PETITIONERS/ACCUSED Nos.2 to 5

Vs

STATE REP BY THE INSPECTOR OF POLICE

PERUNGUDI POLICE STATION, MADURAI.

CR.NO.78/2016

... RESPONDENT/COMPLAINANT

BOOCHAMMAL

... INTERVENOR

For Petitioner : M/S G.THIRUVARUTSELVAN Advocate

For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)

For Intervenor : MMR.M.SANKAR Advocate

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 in Crime No.78 of 2016, on the file of the respondent police for offences under Sections 147, 406, 420 and 506(ii) of I.P.C., the petitioners are now before this Court seeking Anticipatory Bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side).

3. Mr.M.Sankar, learned counsel for the de-facto complainant strongly objected to grant of anticipatory bail to the petitioners.

4. It is the case of the de-facto complainant that the land in question belongs to him and that the de-facto complainant's father Alagarnaicker died in the year 1983. It is stated by the de-facto complainant that the lands were entrusted with Alagarsamy and family and that Alagarsamy has executed a deed, registered a document on 15.12.1984 in respect of the property in favour of Alagammal which according to the de-facto complainant, fabricate the documents. It is seen that Alagarnaicker had died in the year 1983 and Alagarsamy died in the year 2006. These petitioners, who are aged about 48



years must have been minors in the year 1984, when the alleged incident is said to have taken place, when Alagarsamy was alive.

5. Taking into consideration the nature of the allegations in the F.I.R., this Court is of the view that this is a fit case for grant of anticipatory bail to the petitioners with certain conditions.

6. 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 No.VI, Madurai on executing a separate 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 learned Magistrate concerned and on further condition that,

(a) the petitioners shall appear before the respondent police daily at 6.30 p.m. until further orders.

[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 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 petitioner 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]**.

sd/-

05/04/2016

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE,MADURAI
- 3 THE INSPECTOR OF POLICE
PERUNGUDI POLICE STATION, MADURAI.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S G.THIRUVARUTSELVAN Advocate SR.No.19031

ORDER IN

CRL OP(MD) No.5850 of 2016

Date :05/04/2016

AA/AN-MP/AR-I/12.04.2016/2p-6c