



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

Tuesday, the Second day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.84 of 2016

WEB COPY

1 RAMAR
2 VIJAYARAJ

..PETITIONERS/ACCUSED NO.1 & 2

Vs.

STATE REP.BY
THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT, THENI.
(CRIME NO. 48 OF 2015)

... RESPONDENT/COMPLAINANT

K.S.SENTHILKUMAR

.. INTERVENOR

For Petitioners : M/S.LAKSHMIGOPINATHAN for M/S.POLAX LEGAL SOLUTIONS
For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)
For Intervenor : MR.S.SUKUMAR, 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.48 of 2015, on the file of the respondent police for offences under Sections 468, 471, 420 and 120(B) IPC, the petitioners are now before this Court seeking Anticipatory Bail.

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

3.On a reading of the FIR, it is seen that there is a dispute with regard to legal heirship and ownership of the property of Kandamanoor Jamin in connection with which a suit filed by the de-facto complainant's son is pending in O.S.No.23 of 2013 before the Munsif Court, Andipatti. While so, it is alleged by the de-facto complainant that the petitioners are prolonging the suit by filing a impleadment petition in O.S.No.23 of 2013 and that apart the petitioners have obtained a succession certificate from the Sub Court, Theni. on the strength of which, they have obtained patta in respect of the land and are dealing with the property in question.

4.The learned counsel for the de-facto complainant strongly objected to the grant of anticipatory bail to the petitioners stating that custodial interrogation of the petitioners is essential, inasmuch as the petitioners have suppressed the existence of O.S.No.23 of 2013 and the succession O.P. proceedings before the Sub Court, Theni. On a conspicuous facts, this Court finds that both parties are fighting for the properties of the Jamin and suits are filed by the son of the de-facto complainant. Even according to the de-facto complainant, the accused have filed impleading petition in O.S.No.23 of 2013 that has been filed by the son of the de-facto complainant. Since most of the



evidences are borne out by records, this Court is of the view that custodial interrogation of the petitioners is not essential. The de-facto complainant always has the remedy to approach the Revenue Department for cancellation of patta if the same has been obtained by illegal means.

WEB COPY

5. In view of the above, this Court is of the view that it is a fit case to grant anticipatory bail to the petitioners, but with conditions.

6. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on executing a separate 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 report before the respondent police everyday at 6.30 p.m. for a period of four weeks and thereafter 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 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 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) as to whether the petitioners are complying with the condition or not.

sd/-

02/02/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

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

+1CC to M/S.POLAX LEGAL SOLUTIONS SR.No.6478

+1CC to MR.S.SUKUMAR, Advocate SR.No.6817