



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

Wednesday, the Eighth day of June Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.8769 of 2016

WEB COPY

MANGALAMMAL

... PETITIONER/ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT,
THOOTHUKUDI, CR. NO. 64 OF 2014 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.K.RAMAKRISHNAN Advocate

For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police, for the alleged commission of offences punishable under Sections 465, 468, 471 and 420 read with 120(b) of I.P.C., in Crime No.64 of 2014, on the file of the respondent police, seeks anticipatory bail.

2. According to the *de-facto* complainant - N.T.Sivasubramaniyan, the land to an extent of 12 cents in S.No.48/5 of Agaram Village, Srivaikundam Taluk along with three houses constructed therein was originally owned by his father - Thangavel Nadar and they are in possession and enjoyment of the property for more than 40 years and in O.S.No.20 of 2010, the learned District Munsif, Srivaikundam, held that the petitioner/A1, A2, A3 and A5, the *de-facto* complainant and his brother - Vel Subramaniam are the absolute owners of the suit property. While so, on 07.05.2013, the petitioner/A1 by producing fabricated patta settled the property in favour of her two sons, namely, A2 and A3 and A4 to A6 have signed as attesting witnesses in the settlement deed.

3. The case of the petitioner is that she is an innocent and she has not committed any offence as alleged by the prosecution. The property in question originally belonged to her husband. After the death of her husband, A2 and A3, who are the sons, are enjoying the property. Due to old age, the petitioner executed a settlement deed in favour of A2 and A3 on 07.05.2013. The *de-facto* complainant and others filed a suit in O.S.No.20 of 2010 before the District Munsif Court, Srivaikundam. The Revenue Records are in the name of the petitioner's family members. The *de-facto* complainant forged the house tax receipts and has given a false complaint against the petitioner.



4. The learned counsel for the petitioner submitted that the petitioner/A1, A2, A3 and A5 have already filed CrI.O.P.(MD) No.11683 of 2015 before this Court. This Court, by order dated 13.08.2015, granted anticipatory bail to them. But, due to her illness, the petitioner was hospitalized and is taking treatment continuously till today and therefore, she could not comply with the condition imposed by this Court and the order granting anticipatory bail to the petitioner was automatically cancelled. Hence, the petitioner has come out with the present petition for Anticipatory Bail.

5. Heard the learned Government Advocate (Criminal side).

6. Considering the facts and circumstances of the case and considering the fact that the petitioner, being 76 years old lady, was hospitalized and continuously taking treatment till today and also the fact that already this Court granted anticipatory bail to the petitioner in CrI.O.P.(MD)No.11683 of 2015, dated 13.08.2015, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate No.I, Thoothukudi, and on her executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which the petition for anticipatory bail stands dismissed.

sd/-

08/06/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI
 - 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI
 - 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT, THOOTHUKUDI
 - 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S K.K.RAMAKRISHNAN Advocate SR.No.28829

ORDER IN

CRL OP(MD) No.8769 of 2016

Date :08/06/2016