



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

Thursday, the Twenty First day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16323 of 2017

1 SENTHIL KUMAR
2 SUBBAIAH
3 PUSHPAM

... PETITIONERS / ACCUSED NOS.1 TO 3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
IN CR.NO.NOT KNOWN/2017,
DINDIGUL DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.SUBASH BABU Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

For Intervenor 1 MR.S.BALAKARHICK Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 420, 465, 468, 471 and 506(i) of I.P.C., in Crime No.32 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are close relatives. The petitioners executed civil transaction in the ancestral property in the year 2009. The petitioners executed partition deed among themselves. Thereafter, they executed the sale deed in favour of A4 in the year 2013. A4 convey the property to the petitioners in the year 2015. In order to cheat the defacto complainant's rights, the petitioners executed several transactions in between them. Aggrieved by the same, the defacto complainant lodged a complaint before the respondent police implicating the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He would further submit that the defacto complainant is the brother of the petitioners' father. After



receiving the money from the petitioners' family, the defacto complainant's father left the village. Thereafter, the defacto complainant's son came to the village and demanded the partition of the property from the petitioners. Even today, the petitioners are ready to give the defacto complainant irrespective of the amount received by his father. In order to harass the petitioners, the defacto complainant foisted a false case against the petitioners.

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4.The learned Government Advocate (Criminal side) appearing for the State submitted that the defacto complainant and the petitioners are close relatives. He would further submit that the case has been registered against the petitioners since the petitioners has not allocate the property which the defacto complainant is entitled and the investigation is still pending.

5.Considering the facts and circumstances of the case and since the learned counsel for the petitioner fairly conceded that he is ready to give the defacto complainant's share and admittedly, this is purely a civil dispute, I am inclined to grant anticipatory bail to the petitioners with certain conditions. 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.II, Dindigul, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each with two sureties 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 shall report before the respondent police, as and when required for interrogation;
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iii) the petitioners shall not abscond either during investigation or trial;
- (iv) the petitioners shall not commit any offence while on bail;
- (v) 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 and the anticipatory bail granted stands cancelled automatically.

sd/-
21/12/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.36865

ORDER

IN

CRL OP(MD) No.16323 of 2017

Date :21/12/2017

MKV-RR-SAR 3/27.12.2017/3P-6C