



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

Friday, the Eighth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16941 of 2017

1 ANTONY RAJ
2 PANCHAVARNAM
3 A.SIVA
4 A.VENGALAMOORTHY
5 V.M. PANDI

... PETITIONERS / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
MADURAI DISTRICT ,
CR NO NOT KNOWN OF 2017.

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.JEGADEESH PANDIAN Advocate

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

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.4,1,2,4 &5, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 406 & 420 of IPC, in Crime No.25 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is none other than the own brother of the 2nd petitioner. There was a partition held between the 2nd petitioner, the defacto complainant and two others. Thereafter, the 2nd petitioner executed a settlement deed in favour of her sons, husband and the 5th petitioner, which includes the defacto complainant's property. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel for the petitioner would submit that the petitioners did not commit any offence as alleged by the prosecution. The 2nd petitioner is the sister of the defacto complainant. As per the partition deed they divided their property.



Thereafter, the property settled in favour of their sons. If at all aggrieved over the same, the remedy will obtain before the civil forum not before the criminal forum. Accordingly, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal side) appearing for the state would submit that the sons not appear before the respondent police for enquiry, for their non appearance the respondent police registered the complaint against the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate (Crl.Side), 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Madurai, 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 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 shall appear before the respondent police as and when required for interrogation;
- (ii) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial;
- (v) the petitioners shall not commit any offence while on bail;
- (vi) 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/-
08/12/2017

/ TRUE COPY /



1. THE JUDICIAL MAGISTRATE NO.I,
MADURAI

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI

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

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

+1. CC to MR.M.JEGADEESH PANDIAN Advocate SR.No.35986

JAM/13.12.17/PN/ SAR 4/ 3P-6C

ORDER
IN
CRL OP(MD) No.16941 of 2017
Date :08/12/2017