



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

Monday, the Eleventh day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17016 of 2017

VELLAICHAMY

...PETITIONER/ ACCUSED NO.6

Vs

STATE REP.BY
THE SUB-INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
(CRIME NO.08 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.G.MARIMUTHU, Advocate

For Respondent : M/S.K.ANBARASAN, Government Advocate(Crl.Side)

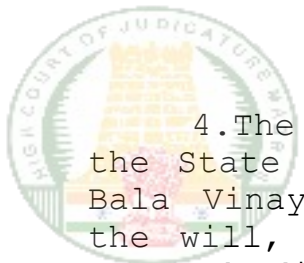
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 467, 468 and 471 r/w.34 IPC, in Crime No.08 of 2017, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's grandfather, namely, one Vellaiyan Chettiyar executed a will in favour of Bala Vinayakar Thirukovil for the purpose of forming Nandhavanam to the aforesaid Thirukovil. Suppressing the said will, the legal heirs of the said Vellaiyan Chettiyar divided the property among themselves and created forged records and thereby, the Municipal Commissioner lodged a complaint against the petitioner and other accused before the respondent police.

3.The learned counsel for the petitioner submitted that the petitioner is the legal heir of the said Vellaiyan Chettiyar, who is his grand-father. The said Vellaiyan Chettiyar executed the Will in favour of the petitioner's mother. Thereafter, the property was shared in between the legal heirs of the petitioner's family. He further submitted that the Municipal Commissioner has lodged a false complaint against the petitioner and other accused. In fact, the Bala Vinayakar Thirukovil was maintained by the petitioner's family as per the wishes of his grand father. He further submitted that the other accused were granted anticipatory bail by this Court in Crl.O.P(MD).No.15496 of 2017.



4.The learned Government Advocate (Criminal side) appearing for the State submitted that in order to form Nandhavanam to the said Bala Vinayakar Thirukovil, the petitioner's grand-father executed the will, but suppressing the said fact the petitioner and other accused divided the property among themselves. Therefore, the Municipal Commissioner lodged a complaint against the petitioner's family. He further submitted that the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Criminal Side), 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Virudhunagar, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner shall report before the investigation officer, as and when required for interrogation;

(ii) The petitioner is directed to maintain the Bala Vinayakar Thirukovil as per the Hindu Customs and Agama and he should not alienate the aforesaid Thirukovil, Nandavanam.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) the petitioner 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 petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
11/12/2017

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.II, VIRDHUNAGAR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB-INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.MARIMUTHU Advocate SR.No.92127

ORDER
IN
CRL OP(MD) No.17016 of 2017
Date :11/12/2017

MS/CM-VR/SAR.3/18.12.2017/3P.6C