



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

Tuesday, the Twenty First day of February Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL OP(MD) No.1714 of 2017

RAJALAKSHMI,

... PETITIONER/ACCUSED No.6

Vs

1 STATE THROUGH
THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.370/2015).

...RESPONDENT/COMPLAINANT

2 KALAISELVI,

... 2ND RESPONDENT/DEFACTO
COMPLAINANT

For Petitioner : M/S.T.ANBKUMARAN Advocate

For 1st Respondent : MR.C.RAMESH, Additional Public Prosecutor,

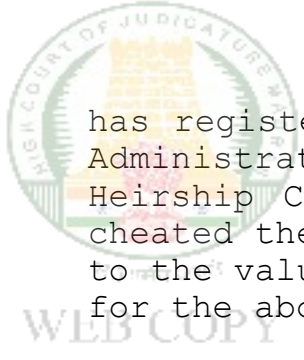
For 2nd Respondent : MR.T.S.R.VENKAT RAMANA, Advocate,

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.6, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 419, 420, 465, 467, 468, 471 and 474 IPC in Crime No.370 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a widow and the husband of the defacto complainant was working in the Government Hospital, Coimbatore and died on 25.06.2012. The defacto complainant and her minor children are residing in Coimbatore and the Tahsildar had issued Legal Heirship Certificate to that effect. While so, the first and second accused created a forged identity proof as though the mother-in-law of the first accused/A.6/petitioner in this petition, is the defacto complainant, Kalaiselvi and registered a partition deed based on the said document and they have borrowed a sum of Rs.40 lakhs by mortgaging the title deeds of the property from Axis Bank, Ilanji Branch. The further case of the prosecution is that the ninth accused is working as Sub-Registrar and he has not properly verified the papers and he



has registered the documents for illegal gratification. The Village Administrative Officer without having any authority issued Legal Heirship Certificate. By this fraudulent act, the accused persons cheated the defacto complainant's property for an extent of 84 acres to the value of Rs.4 crores. On complaint, case has been registered for the above said offences.

3.The learned counsel for the petitioner submitted that the petitioner is the mother of the second accused and accused Nos.1 and 2 informed the petitioner that her son requires money to meet out his medical expenses and they wanted to avail loan. Believing their words, without knowing the consequences, the petitioner signed in many documents as Kalaiselvi. The learned counsel for the petitioner further submitted that the daughter-in-law of the petitioner was the Ex-chairman of Vasudevanallur Panchayat Union and by having the local influence, she and the petitioner's son tried to kidnap her. He would further submit that the petitioner is ready to give a confession statement that at the instance of A.1 and A.2, the petitioner has signed in the documents, without knowing the consequences.

4.The learned Government Advocate (Criminal Side) submitted that the petitioner along with other accused have created identity proof by impersonating the defacto complainant and they mortgaged the property with Axis Bank and the investigation is pending. Earlier, the petitioner moved anticipatory bail petitions before this Court in CrI.O.P(MD)Nos.19072 of 2015 and 6692 of 2016 and this Court after considering the serious allegations levelled against her, dismissed the same.

5. Considering the above facts and circumstances and also considering the fact that the defacto complainant has given compliant in the year 2015 and the fact that the petitioner is ready to give a confession statement, this Court is 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate cum Munsif Court, Sivagiri, Tirunelveli District, on condition that the petitioner shall execute 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 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 respondent Police daily at 10.30 a.m. for a period of two weeks.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.



(iv) 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 as if the conditions have been imposed and the petitioner 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].

6. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
21/02/2017

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

TO

1 THE JUDICIAL MAGISTRATE CUM MUNSIF, SIVAGIRI,
TIRUNELVELI DISTRICT.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, PULIYANKUDI POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S.T.ANBUKUMARAN Advocate SR.No.9458
+1CC to M/S.T.S.R.VENKAT RAMANA, Advocate, SR.No. 9889

ORDER
IN
CRL OP(MD) No.1714 of 2017
Date :21/02/2017

AM/CM MSA/SAR-1/01.03.2017/3P/7C