



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

Friday, the Twenty Fourth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.22330 and 23500 of 2016

1 RM.SOMASUNDARAM

2 SM.MEENAKSHI

... PETITIONERS/ ACCUSED NO.1 AND 2
IN BOTH THE PETITIONS

Vs

1 THE ASSISTANT COMMISSIONER OF
POLICE (CRIME), D-1, TALLAKULAM POLICE
STATION, TALLAKULAM, MADURAI.

2 THE INSPECTOR OF POLICE (CRIME)
TALLAKULAM POLICE STATION,
MADURAI
(CRIME NO.2818 OF 2016)

... RESPONDENTS / COMPLAINANTS
IN CRL OP(MD) No.22330 OF 2016

THE INSPECTOR OF POLICE (L&O)
TALLAKULAM POLICE STATION,
MADURAI CITY
(CRIME NO.336 OF 2015)

... RESPONDENT / COMPLAINANT
IN CRL OP(MD) No.23500 OF 2016

For Petitioner : M/S.D.MALAICHAMY Advocate

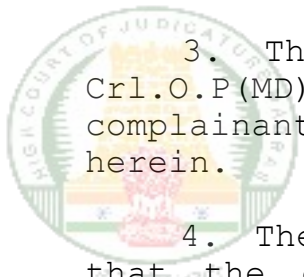
For Respondent : MR.P.KANDASAMY, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P(MD) No.22330 of 2016, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 465 and 471 of IPC., in Crime No.2818 of 2016, seek anticipatory bail.

2. The petitioners in Crl.O.P(MD) No.22500 of 2016, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 461, 462 and 463 of IPC., in Crime No.336 of 2015, seek anticipatory bail.



3. The petitioners in CrI.O.P(MD)No.22330 of 2016 and in CrI.O.P(MD)No.22500 of 2016 are the husband and wife. The defacto complainant in both the cases is the mother of the first petitioner herein.

4. The learned counsel appearing for the petitioners states that the defacto complainant had executed a settlement deed in favour of her son and three daughters and they are permitted to enjoy the property equally and thereafter, the defacto complainant filed a Suit for cancellation of the settlement deed in O.S.No.242 of 2015 and is pending before the learned V Additional District Judge, Madurai. He would further submit that the petitioners never forged the signature of the defacto complainant, as stated by the defacto complainant, and in one part, the defacto complainant stated that the signature was forged by the first petitioner herein and in another part, her signature was forged by the second petitioner herein. He also submitted that the defacto complainant has not stated regarding removal of valuables from the house in the plaint filed in O.S.No.242 of 2015, but she has stated in the second complaint regarding the removal of valuables also.

5. The learned Government Advocate (crl.side) appearing for the respondent states that there was a property dispute between the petitioners and the defacto complainant. Both the complaints were given against the petitioners herein. The first complaint given by the defacto complainant is that the second petitioner herein forged her signature and obtained two service connections in this case. The second complaint of the defacto complainant is that the petitioners herein are taken away the valuable items and other items from the house of the defacto complainant by trespassing into her house. The defence of forgery is based on records.

6. Considering the above facts and circumstances of the case and also considering the facts that the civil suit is pending in respect of the disputed property and also the contrary statement in respect of forged signatures of the defacto complainant in getting the service connections, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.II, Madurai, on condition that each petitioners 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 the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that the second petitioner shall report before the respondent police weekly once ie., on every Sunday at 10.30 a.m., until further orders and the 1st petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders, for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C., scrupulously.



8. Both the petitioners are directed to furnish their signatures, if necessary, to the investigating officer, since it is stated that they have forged the signatures of the defacto complaint in respect of getting the service connections.

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

sd/-
24/02/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT
- 3 THE ASSISTANT COMMISSIONER OF
POLICE (CRIME), D-1, TALLAKULAM POLICE
STATION, TALLAKULAM, MADURAI.
- 4 THE INSPECTOR OF POLICE (CRIME),
TALLAKULAM POLICE STATION,
MADURAI
- 5 THE INSPECTOR OF POLICE (L&O)
TALLAKULAM POLICE STATION,
MADURAI CITY
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/S.D.MALAICHAMY Advocate SR.No.10805, 10806

MPK
PSM/PM-PN/SAR1/06.03.2017/3P/9C

ORDER
IN
CRL OP (MD) No.22330 and
23500 of 2016
Date :24/02/2017