



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

Monday, the Nineteenth day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3258 & 3490 of 2018

1 NACHIAPPAN

2 SWARNAM

... PETITIONERS/ACCUSED

IN CRL OP(MD) No.3258/2018

1 JEYALAKSHMI

2 SETHU

... 1&2 PETITIONERS/3&4 ACCUSED

IN CRL OP(MD) No.3490/2018

3 P.R.SUBRAMANIAN

...3rd PETITIONER/ACCUSED(RANK NOT KNOWN)

IN CRL OP(MD) No.3490/2018

Vs

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI,
SIVAGANGAI DISTRICT.

(*) IN CR.NO. 4 OF 2018

... RESPONDENT/COMPLAINANT

IN CRL OP(MD) No.3258/2018

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI,
SIVAGANGAI DISTRICT.
IN CR.NO. 4 OF 2018

... RESPONDENT/COMPLAINANT

IN CRL OP(MD) No.3490/2018

For Petitioners : M/S.R.SUNDAR, Advocate
IN BOTH THE PETITIONS

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)
IN BOTH THE PETITIONS

For Intervenor : M/S.ARAVIND RAJ, Advocate
IN BOTH THE PETITIONS



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

ORDER: The Court Made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections **(*)406, 409, 467, 468, 420, 120(b) & 471** IPC in Crime No.4 of 2018, seek anticipatory bail.

2.The case of the prosecution is that when the de facto complainant questioned the fraudulent preparation of documents with regard to his property, the petitioners have threatened him with dire consequences. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioners herein created forged documents for the property, belongs to the de facto complainant. Now, on going through the submissions made by the learned counsel appearing for the petitioners, it is seen that prior to registration of the case in 03.02.2018 itself, a suit was filed by the first petitioner against the de facto complainant for the relief of injunction with regard to the property mentioned in the FIR.

6.More over, after institution of the suit, the petitioners sent legal notice to the de facto complainant for cancelling power deed executed. Further more, the property in dispute mentioned in FIR, the name of the pattatharar have been changed in the year 2002. After changing the name, no action was initiated by the de facto complainant so far.

7.At the out set, the evidences, which are necessary for completing the investigation are all available in the form of documents. Thereby, custodial interrogation may not be necessary for completing the investigation.



8. Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Sivagangai, on condition that each of the petitioners 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 petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (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) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-
19/03/2018

(*) AMENDED AS PER ORDER OF THIS HON'BLE COURT MADE IN CRL.MP(MD)No.1803/18 IN CRL OP(MD)No.3258/18 DATED 14.03.2018.

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CC to M/S.R.SUNDAR Advocate SR.Nos.4336, 4337

ORDER
IN
CRL OP(MD)No.3258 & 3490 of 2018
Date :19/03/2018 (1/3)

PK/RR-CSL/RNB/12.04.2018 : 4P/7C