



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3492 of 2018

1 P.SEELAN
2 KANAGARANI

... PETITIONERS/ACCUSED No.1 & 2

Vs

1 STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
PANANGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO.100/2018)

... 1st RESPONDENT/COMPLAINANT

2 MARIAPUSHPAM

... 2nd RESPONDENT/DEFACTO COMPLAINANT

For Petitioners : M/S.G.MOHANKUMAR, Advocate

For Respondents : M/S.A.ROBINSON, Government Advocate (Crl.Side)

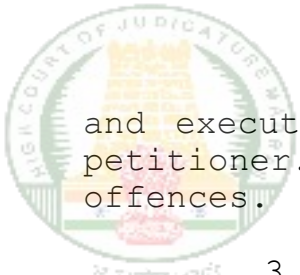
For Intervenor : M/S.M.SUBASH BABU, Advocate

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

ORDER : The Court Made the following order :-

The petitioners / A1 & A2, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420, 468 and 471 I.P.C., in Crime No.100 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the the defacto complainant is the mother of the first petitioner herein. The second petitioner is the wife of the first petitioner. The first petitioner had approached the defacto complainant stating that he has faced heavy loss in business and requested the defacto complainant to execute a mortgage deed in respect of her house property for getting loan from the bank. In spite of repeated approach, the defacto complainant executed a mortgage deed in favour of the first petitioner. But, thereafter, the first petitioner along with the second petitioner cheated the defacto complainant's house property



and executed a registered settlement deed in favour of the first petitioner. Hence, a case has been registered for the above said offences.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have been falsely implicated, further added that they have not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor submitted that the first petitioner, who is the son of the defacto complainant, approached the defacto complainant stating that he has heavy loss in business and thereby he requested the defacto complainant to execute her house property in his favour, in order to get the loan from the bank. In spite of the repeated approach, the defacto complainant had executed a mortgage deed in favour of the first petitioner and he obtained the defacto complainant's signature in the settlement deed. Further, the first petitioner assured that he will redeem the house from the bank within one year. But, he intentionally cheated the defacto complainant and executed the registered deed in his favour. The second petitioner is the wife of the first petitioner and she is the brain of the crime, because she is a person, who induced the first petitioner to give idea for the entire above said forgery activities. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.

6. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioners had mislead the defacto complainant and obtained a settlement deed dated 28.09.2016 through which the petitioners have registered the defacto complainant's house property in favour of the first petitioner. According to the case of the petitioners, the said disputed document, which was mentioned by the defacto complainant was a forged one, is a registered document. Therefore, we cannot come to the conclusion that the said document was obtained by the petitioners or not. So, only investigation can reveal whether the petitioners are having an intention to mislead the defacto complainant's property or not. In other words, as of now, the submissions made by the learned counsel appearing for the intervenor is not a ground for rejecting the anticipatory bail filed by the petitioners. So, considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioners. 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, Valliyoor, 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 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/-
21/03/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE, VALLIYOOR TIRUNELVELI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE,
PANANGUDI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.SUBASH BABU, Advocate SR.No.57061

ORDER
IN
CRL OP(MD) No.3492 of 2018
Date :21/03/2018