



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

Friday, the Sixteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4168 of 2018

THEKKAMALAI

... PETITIONER / ACCUSED No.7

Vs

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL.
CR.NO.67 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MUTHUKRISHNAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A7, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406, 420, 465, 468, 471 and 120B I.P.C., in Crime No.67 of 2015, seeks anticipatory bail.

2.The case of the prosecution is that one Rengnasubramaniam lodged a complaint, stating that he is the legal heir of the deceased Nallusamy and entitled for the entire property belongs to the deceased Nallusamy, since he has no other legal heir. In this circumstances, the petitioner and other accused in this case joined together and obtained a legal heir certificate of the deceased Nallusamy, executed a sale deed and they had also received the family pension. Hence a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not committed any offence as alleged, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that totally there are nine accused in this case. The petitioner herein is arrayed as A7. According to him, investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. Admittedly, the property in dispute, bearing Survey Nos. 585/1 and 586/4, measuring to an extent of 8 acres was initially owned by one Azhagarmaniam. Subsequent to the death of Azhagarmaniam, his son A. Nallusamy is having the right over the said property. According to prosecution, as of now, after the demise of said A. Nallusamy, one Tmt. Chinnamani, who is arrayed as first accused in this case along with other accused in this case sold out the said property. In the above said transactions, the petitioners herein had attested as witnesses. Therefore, considering the role played by the petitioners in the alleged offence, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, 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 No. II, Dindigul, 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 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].

sd/-

16/03/2018

/ TRUE COPY /

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

TO

<https://hcservices.ecourts.gov.in/hcservices/>

1 THE JUDICIAL MAGISTRATE NO. II,
DINDIGUL



2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, DINDIGUL.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.S.MUTHUKRISHNAN Advocate SR.No.4275

MSA

JAM/03/04/2018/ RR / SAR 1/ 3P-6C

ORDER
IN
CRL OP(MD) No.4168 of 2018
Date :16/03/2018