



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

Thursday, the Fifth day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) No.4696 of 2018

1 KUBENDRAN
2 CHITRA

... PETITIONERS/A1 AND A2

Vs

THE INSPECTOR OF POLICE
RAMESWARAM TOWN POLICE STATION,
RAMANAD DISTRICT.
CRIME NO. 158/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.SATHYA CHIDAMBARAM, Advocate

For Respondent : M/S.A.P.G.OHM CHAIRMA PRABHU,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 448, 380, 420, 465, 467, 471, 477, 419 and 109 IPC, in Crime No.158 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners approached the de-facto complainant and requested a sum of Rs.1,25,000/- and also agreed to mortgage their property situated at Theni. Accordingly, they availed the said amount and executed a mortgage deed in favour of the de-facto complainant. Subsequently, the said mortgage deed found to be missing in the house of the de-facto complainant and hence, when she checked with the Registrar Office, she found that the petitioners have created encumbrances by mortgaging the same in favour of some third party by forging the signatures of the de-facto complainant and thereby, cheated her. Hence, the case has been registered against the petitioners for the above said offences.



3.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and prays for bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Criminal side) that the investigation is still pending.

5.The petitioners are the husband and wife. The de-facto complainant is none other than the sister of the first petitioner herein.

6.Considering the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Rameswaram, and on each of them executing 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 learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

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

sd/-
05/04/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
RAMESWARAI TOWN POLICE STATION,
RAMNAD DISTRICT.



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

WEB COPY

+1. CC to M/S.S.SATHYA CHIDAMBARAM Advocate SR.No.5518

ORDER
IN
CRL OP (MD) No.4696 of 2018
Date :05/04/2018

PK/PN-KAK/GSR/12.04.2018 : 2P/6C