



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

Tuesday, the Twenty Third day of January Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.18061 of 2017

1 B.MUMTAJ BEGUM,
2 S.GABGAMMAL,

... PETITIONERS/ACCUSED

Vs

1 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DISTRICT.
CRIME NO.8OF 2017.

2 R.M.SENTHIL KUMAR,

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.A.S.RAJESWARI Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side) FOR R1
M/S.G.KARUPPASAMY PANDIAN, Advocate for R2

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

ORDER : The Court Made the following order :-

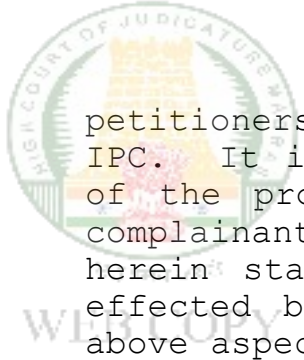
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 471, 468, 420 IPC in Crime No. 8 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to some civil dispute, the de facto complainant preferred the present complaint against the petitioners.

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 the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered against the



petitioners for the offence punishable under Sections 471, 468, 420 IPC. It is alleged that the petitioners herein are the purchasers of the property in question from A1 to A3. Now, the de facto complainant lodged the present complaint against the petitioners herein stating that without his knowledge, the alleged sale was effected between the petitioners and A1 to A3. Considering the above aspects, it is made clear that the material evidence has to be collected for completing the investigation are all in the form of documents. Whether these petitioners are having the knowledge about the said fact, has to be decided only at the time of trial. In other words, custodial interrogation is not necessary for completing the investigation.

6. Taking all the above said aspects into consideration and having regard to the nature of offence, 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, Aruppukkottai, 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. for a period of three weeks and thereafter, as and when required for interrogation.

(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/-
23/01/2018

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TO

- 1 THE JUDICIAL MAGISTRATE NO.II, ARUPPUKOTTAI
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.A.S.RAJESWARI Advocate SR.No.1148

ORDER

IN

CRL OP(MD) No.18061 of 2017

Date :23/01/2018

SMA/RR-CSL/SAR-1/30.01.2018:3P/6c