



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

Thursday, the Fifteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20401 of 2018

1 KRISHNAVENI
2 MURUGAN

... PETITIONERS/ACCUSED No.1 & 9

Vs

STATE REP.BY ITS.,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT
CRIME NO.23 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.A.THIRUVADI KUMAR, Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

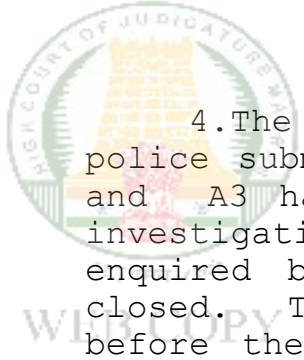
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120-B, 420, 464, 468, 470, 471 and 506(ii) of IPC in Crime No.23 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is none other than the paternal grand mother of the first petitioner. Admittedly, the father of the first petitioner, namely Kandasamy who is arrayed as A3, had executed a gift deed vide Doc.No.174/1975 in favour of A1 and is no more. The entire family members of A1 are arrayed as accused in this case. The defacto complainant who is 96 years old and is being activated by her sister's son to grab the property of the petitioner. On the basis of forged patta, the first petitioner's father Kandasamy/A3 had executed a sale deed in Document No.33/2012 and 34/2012, dated 06.01.2012 in favour of the second petitioner. Based on the above reason, the petitioners with the help of henchmen abused her in a filthy language. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.



4. The learned Government Advocate (Crl.side) for the respondent police submitted that there are totally nine accused in this case and A3 has forged the document. He further submitted that the investigation is at the initial stage and initially, the case was enquired by the District Crime Branch and later, the same was closed. Thereafter, the defacto complainant had filed a petition before the Judicial Magistrate No.III, Thoothukudi and the Court below directed the respondent police to file the above case under Section 156 Cr.P.C.

5. Considering the rival submissions and the offences involved in this case are document based offence and the documents are public documents which are already available with the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioners. At this juncture, the custodial interrogation is not necessary.

6. Accordingly, the petitioners 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.III, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] since the first petitioner is working in the Government Office as a Filed Assistant, the petitioners shall report before the respondent police daily at 6.00 p.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

15/11/2018

/ TRUE COPY /



TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, THOOTHUKUDI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.A.THIRUVADI KUMAR Advocate SR.No.21708

ORDER
IN
CRL OP(MD) No.20401 of 2018
Date :15/11/2018

RMI
PK/JC/SAR-4/22.11.2018 : 3P/6C