



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

Monday, the Eighteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2306 of 2019

1 TAMILARASI
2 V.VENKATESH

... PETITIONERS / ACCUSED NO.3 & 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
IN CRIME NO.1/2019,
THENI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

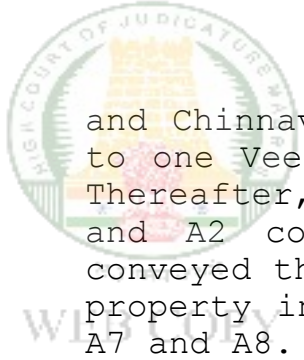
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420, 465, 468, 471 of IPC, in Cr.No.1 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is an absolute owner of the property in S.No.179 measuring 2 acres 9 cents situated at Karuvelanayakanpatti, Theni. Originally the above mentioned property has been purchased by her father-in-law on 06.05.1931 vide document No.520 of 1931, after her father-in-law demise she and her family members are in possession and enjoyment of the property. While being so in the month of January 2019, she came to understand that the 1st accused has created a forged document on 30.05.1967, using the forged document he sold the property to several persons. The petitioners who are having very well knowledge about the forged document, the 2nd petitioner purchased the property and sold it to the 1st petitioner. Thereby they have committed crime. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant are close relatives. Initially, the property was allotted to one Kamathevar



and Chinnaveerathevar. The said Chinnaveerathevar sold the property to one Veerammal on 30.05.1967, who is the daughter of Kamathevar. Thereafter, the said Veerammal conveyed the property in favour of A2 and A2 conveyed the property in favour of A3. Thereafter, A3 conveyed the property in favour of A4. Subsequently, A4 conveyed the property in favour of A6 and A6 conveyed the property in favour of A7 and A8. He further submitted that this Court has already granted anticipatory bail to the subsequent purchasers in Crl.O.P.(MD). Nos.1392 and 1478 of 2019, dated 05.02.2019.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that investigation is still pending.

5.Taking into consideration the facts and circumstances and since the dispute is purely civil in nature, this Court is inclined to grant anticipatory bail to the petitioners. 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.II, Dindigul, on condition that the petitioner 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/02/2019

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

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

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-3337[I] dated 19/02/2019)

ORDER

IN

CRL OP(MD) No.2306 of 2019

Date :18/02/2019

JM/PN/SAR 3/22.02.2019/3P/6C