



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

Tuesday, the Nineteenth day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CrI.O.P.(MD)Nos.2572 and 2573 of 2019

1 P.CHANDRA SEKAR
2 NIRMALADEVI

... PETITIONERS/ ACCUSED NOS.1 & 2
IN CRL OP(MD)NO.2572/2019

1 NEHRU
2 CHINNADURAI

... PETITIONERS/ ACCUSED NOS.3 & 4
IN CRL OP(MD)NO.2573/2019

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.13/2019)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

For Petitioners: Mr.J.ANANDKUMAR, Advocate
IN CRL OP(MD)NO.2572/2019
: Mr.S.SEKAR, Advocate
IN CRL OP(MD)NO.2573/2019

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(CrI.Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Section 419, 420 of IPC, in Cr.No.13 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The defacto complainant is the first wife of the first accused. The second petitioner is the second wife of the first accused. The case of the prosecution is that the first petitioner herein settled the property in favour of the defacto complainant in the year 2011. The second petitioner not being the owner of the property using the name similarity executed the settlement deed in favour of the first petitioner as though the second petitioner is the owner of the property. Hence this complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would also submit that the first petitioner has cancelled the said document registered by him.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that the dispute appears to be a family dispute, this Court is inclined to grant anticipatory bail to the petitioners.

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, Manaparai, 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 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 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;

(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/-

19/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, MANAPARAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION, TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.J.ANANDKUMAR Advocate SR.No.3344
+1CC TO Mr.S.SEKAR, Advocate, Sr No.3343

ORDER IN
Crl.O.P.(MD)Nos.2572 and 2573 of 2019
Date :19/02/2019

MS/JC/SAR-3/22.02.2019/3P.7C