

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

Thursday, the Eleventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4151 of 2019

1 SIVARANJINI
2 BALAMURUGAN

... PETITIONERS / ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VARASANADU POLICE STATION
THENI DISTRICT.
CRIME NO.29 OF 2019

.... RESPONDENT / COMPLAINANT

For Petitioners: Mr.R.SHANKAR GANESH, 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 offence under Sections 417, 420, 419, 465, 471 and 468 IPC in Cr.No.29 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that one Ayyar Thevar forged himself as a owner of the property, as if, he executed a sale deed in favour of A1, in which, they are having title over the property and misusing the similarity between the names of the defacto complainant's father and the petitioner predecessor, thereby, a law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He further submitted that the alleged sale deed is said to have been executed by Ayyar Thevar in favour of A1 and subsequently, it was cancelled. The cancellation deed was produced before this Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that after perusing the cancellation deed, this Court may pass appropriate orders.

5.Considering the facts and circumstances of the case and considering the fact that the disputed sale deed cancelled by 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti, 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 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 petitioner 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/-

11/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, AUNDIPATTI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE
VARASANADU POLICE STATION, THENI DISTRICT.

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

+1. CC to Mr.R.SHANKAR GANESH Advocate SR.No.6593

ORDER

IN

CRL OP(MD) No.4151 of 2019

Date :11/04/2019

MS/PN/SAR-4/12.04.2019/3P.6C



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