



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 20/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.6855 of 2019

1.Uma

2.Ananthi

... Petitioners/Accused
A1 and A2

Vs

State represented by
The Inspector of Police,
Malli Police Station,
Virudhunagar District.
Crime No.60 of 2019.

... Respondent/Complainant

C.Muthumari

... Petitioner/Intervener

For Petitioner : M/s.N.K.Ponraj,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

For Intervener : Mr.Mr.S.Balamurugan
Advocate.

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

PRAYER :-

For anticipatory bail in cr.no.60 of 2019 on the file of the respondent police.

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 420, 466, 467, 468, 120(b) and 109 of IPC, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the de-facto complainant has filed a suit in O.S.No.27 of 2014, on the file of the learned District Judge, Virudhunagar District at Srivilliputhur for the relief of partition. In the said suit, a compromise was arrived at and a memo was also



filed before the Court on 11.12.2015 stating that the mother of the de-facto complainant namely, Ramanujammal has to execute a settlement deed in respect of certain properties in favour of the defacto complainant. He further submitted that in pursuance of the said compromise, on 14.12.2015, the mother of the de-facto complainant namely Ramanujammal had executed a settlement deed in favour of the de-facto complainant and subsequently the de-facto complainant had sold the said property to one Priya, but she lodged a complaint stating that the petitioners herein have created some false documents and through the said documents, they tried to grab the property including her share. He further submitted that already the matter was compromised and in pursuance of the compromise the de-facto complainant has obtained some properties. Therefore, he prayed for granting anticipatory bail to the petitioners.

4.The learned counsel appearing for the intervenor has submitted that on 11.12.2015, a compromise was arrived and a memo was also filed before the District Court. The mother of the de-facto complainant namely Ramanujammal died and hence the court closed the said memo. He further submitted that even though the compromise was not recorded by the Court, the petitioners herein have registered some documents before the Sub-Registrar by saying that already the matter was compromised and the same was recorded by the District Court and that the suit itself was decreed in pursuance of the compromise and hence, he strongly opposed this petition.

5.The learned Additional Public Prosecutor appearing for the respondent has adopted the arguments advanced by the learned counsel for the intervenor.

6.It is seen from the typed set of papers filed by the learned counsel for the petitioners that on 14.12.2015 some properties were settled by the de-facto complainant's mother in favour of the de-facto complainant and the said properties were sold by the de-facto complainant to one Priya on 11.10.2018. The properties which were mentioned in the said settlement deed also mentioned in the compromise memo dated 11.12.2015. So, it can be inferred that only in pursuance of the said compromise, the de-facto complainant's mother had executed a settlement deed in favour of the de-facto complainant. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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.II, Srivilliputhur and 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]If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b]the petitioners shall report before the respondent police, daily at 10.30 a.m for a period of one week and thereafter, as and when required before the respondent police 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

20/06/2019

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

TO

- 1.The Judicial Magistrate No.II, Srivilliputhur.
- 2.Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputhur.
- 3.The Inspector of Police,
Malli Police Station, Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.K.PONRAJ, Advocate (SR-10143[I] dated 20/06/2019)

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-10262[I] dated
21/06/2019)

ORDER

IN

CRL OP(MD) No.6855 of 2019

Date : 20/06/2019

sjj