



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 28/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7254 of 2019

1. Bala,,
2. Tamil Selvi,, ... Petitioners/Accused Nos.1 & 3

Vs

State represented by
The Inspector of Police,
Athoor Police Station,
Thoothukudi District.
Crime No.15/2019. ... Respondent/Complainant

For Petitioners : M/s. M. Saravanan,
Advocate.
For Respondent : Mrs.M.Anantha Devi,
Govt.Advocate (Crl.Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.15/2019 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 offences punishable under Sections 420, 465, 468, 471 and 120(B) IPC in Crime No.15 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocents and they have been falsely implicated in this case and they have inherited the disputed property only by way of partition. Hence, he prayed for grant of anticipatory bail to the petitioners.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned Government Advocate (Crl.Side) appearing for the



respondent has submitted that the petitioners have not signed in the alleged forged document. She also fairly conceded that no previous case is pending against the petitioners.

4.As per the F.I.R, the complainant is practising as Advocate at Mumbai High Court. His grandfather Krishnan Nadar had purchased 1 acre of land in S.No.430/2A2 of Palayakayal Village, Athoor, Tuticorin District, under a registered sale deed dated 13.03.1944 and from that date onwards, the said Krishnan Nadar was in possession and after his death, the defacto complainant is in possession of the said land. It is also stated that on 19.01.1998, the accused persons have created a false partition deed. But, actually, on 29.01.1998, the husband of the first petitioner and father of the second petitioner namely Ramasundaram and his two brothers have partitioned their family properties along with the aforesaid property and in the said partition, the aforesaid property was fallen to the share of the said Ramasundaram.

5.It appears that the said Ramasundaram subsequently died and the petitioners herein have succeeded to the said property as his legal heirs and they have sold the said property to the accused No.4 under a registered sale deed dated 15.03.2006, but the defacto complainant has lodged a complaint nearly after 13 years.

6.Taking into consideration of the fact that the petitioners are not parties to the alleged partition deed and also the fact that only after 13 years from the date of sale deed dated 15.03.2006, a complaint has been lodged and no previous case is pending against the petitioners and also the fact that A-2 was already granted anticipatory bail by this Court in CrI.O.P.(MD). No.7255/2019, this Court is inclined to grant anticipatory bail to the petitioners by imposing certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruchendur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to 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 three weeks and thereafter, as and when required for the interrogation.

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[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/-
28/06/2019

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR.

2 DO THRO'THE CHIEF JUDICAIL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
ATHOOR POLICE STATION,
THOOTHUKUDI DISTRICT

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

+1 CC to MR.M.SARAVANAN, Advocate (SR-10781[I] dated 01/07/2019)

ORDER
IN
CRL OP(MD) No.7254 of 2019
Date :28/06/2019

VS

AE/JC/SAR-II (08.07.2019) 3P 6C