



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

Date : 07/06/2019

WEB COPY

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

**CRL OP(MD) . No.7765 of 2019**

1.Mariyamuthu  
2.Rajeshwari

... Petitioners/Accused No.1&2

Vs

State rep by  
The Inspector of Police,  
Veerakeralam Pudur Police Station,  
Tirunelveli District  
Cr.No.98/2019.

... Respondent/Complainant

For Petitioner : M/s.G.Karuppasamy Pandiyan,  
Advocate

For Respondent : Mrs.M.Anantha Devi,  
Govt.Advocate (Crl.Side)

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

PRAYER :-

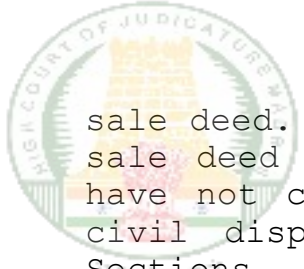
For Anticipatory bail in Cr.No.98/2019 on the file of the respondent police.

### ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 465, 468, 471, 294(b), 506(ii) and 34 of IPC in Crime No.98 of 2019, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the defacto complainant had executed a sale deed in favour of the second petitioner on 13.04.2015 for valuable consideration of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) and possession also handed over to him. He further submitted that after four years, suddenly the defacto complainant lodged a false complaint stating that she borrowed money from the petitioners and only with an intention to execute a mortgage, she has signed in the document, but subsequently she came to know that the petitioners by playing fraud and misrepresentation, have obtained signature in the



sale deed. But so far she has not filed any suit to declare the said sale deed is not valid. He further submitted that the petitioners have not committed any offence and the complaint discloses only a civil dispute, but, the respondent has registered a case under Sections 406, 465, 468, 471, 294(b), 506(ii) and 34 of IPC and therefore, he prayed for grant of anticipatory bail to the petitioners. He further submitted that if this Court is inclined to grant anticipatory bail to the petitioners by imposing conditions, since the second petitioner is working as a teacher in the private School at V.K.Pudur, condition may not be imposed directing her to appear before the respondent police.

4. Per contra, the learned Government Advocate (criminal side) appearing for the respondent has submitted that the Government assigned the land admeasuring 1044 sq.ft. in Survey No.327/1 to the defacto complainant. She further submitted that on earlier occasions, the defacto complainant borrowed amounts by mortgaging the said land with the petitioners and likewise in the year 2015 also, the defacto complainant signed in the document under the impression that the said document is only a mortgage deed, but subsequently, she came to know that the petitioners herein have played fraud and obtained signatures in the sale deed. She further submitted that even now the defacto complainant's mother is staying in the house, which is situated in the aforesaid land and therefore the contention of the petitioner that he is in possession of the property is false. She further submitted that the investigation is still pending and hence, she opposed this petition.

5. Taking into consideration of the submission made by the learned counsel for the petitioners that on 13.04.2015, the defacto complainant had executed a registered sale deed in favour of the second petitioner after receiving a sum of Rs.1,50,000/- and the said fact has not been disputed by the learned Government Advocate (criminal side) and also the fact that so far the defacto complainant has not filed any suit to declare the said sale deed is not valid document, this Court is inclined to grant anticipatory bail to the third petitioner/A3 with certain conditions.

6. Accordingly, this petition is 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, Alangulam, Tirunelveli District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.



(ii) the first petitioner/A1 shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the second petitioner/A2 shall report before the respondent police as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

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

sd/-

07/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE,  
ALANGULAM, TIRUNELVELI DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
VEERAKERALAM PUDUR POLICE STATION, TIRUNELVELI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT MADURAI.

+1. C.C. to Mr.G.KARUPPUSAMY PANDIYAN Advocate SR.No.9262

ORDER

IN

CRL OP(MD). No.7765 of 2019

Date : 07/06/2019

TK/JC/SAR.4/17.06.2019/3P/6C