



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.22677 of 2018

1 SHANMUGANATHAN
2 SHANTHI

... PETITIONERS / ACCUSED Nos. 1 & 2

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
SRIVAİKUNDAM POLICE STATION,
TUTICORIN DISTRICT,
IN CRIME NO.83/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.V.MALAIYENDRAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. 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 offences punishable under Sections 294(b), 323, 420, 465, 467, 471, 477 and 506(ii) IPC in Crime No.83 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner executed a settlement deed forgedly in favour of his wife who is A2. Aggrieved over the same, the defacto complainant gave a complaint to the respondent police.

3.The learned counsel petitioners would submit that this is purely a civil dispute. Admittedly, the first petitioner executed a settlement deed forgedly in favour of his wife, who is A2.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that this case is purely civil in nature.

5.Considering the facts and circumstances of the case and the fact that this is allegedly civil in nature, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which



the order copy is made ready, before the learned Judicial Magistrate, Srivaikundam, 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 conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain copies of their Aadhar cards or Bank pass Books to ensure their identity;

(b) the first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the second petitioner 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
SRIVAIKUNDAM, THOOTHUKUDI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
SRIVAIKUNDAM POLICE STATION, TUTICORIN DISTRICT,

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

+1. CC to MR.V.MALAIYENDRAN Advocate SR.No.2639

ORDER IN

CRL OP(MD) No.22677 of 2018

Date :07/02/2019