



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.21193 of 2018

1.VIJAYAKUMAR

2 RAMAR @ RAMAKRISHNAN

3 BOOMADEVI

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

MELUR POLICE STATION,

MELUR, MADURAI DISTRICT.

(IN CRIME NO. 726 OF 2018)

... RESPONDENT / COMPLAINANT

S.MALAYAVEERAN

... PETITIONER/DE-FACTO COMPLAINANT

IN CRL MP(MD).NO.9918 OF 2018 IN

CRL OP(MD).NO.21193 OF 2018

For Petitioners : MR.K.P.KRISHNA DOSS Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

For Intervenor : M/S.J.BALAMEENAKSHI, Advocate

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 468, 471, 406 and 420 IPC in Cr.No.726 of 2018, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the first and second petitioners are son of one Duraisamy and the third petitioner is wife of the said Duraisamy and he was died in the Rajaji Government Hospital and thereafter death certificate was issued by the Madurai Corporation. The first petitioner changed his father's name as Kallanai @ Duraisamy and based on the same forged legal heir certificate also obtained from the revenue authorities, in order to get the property of the defacto complainant, for which, the defacto

complainant filed a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would further submit that the first petitioner's father name is Kallanai @ Duraisamy and in the death certificate it is mistakenly printed as Duraisamy and therefore, in order to correct the name of his father he changed the same and hence, he would pray for anticipatory bail to the petitioners.

4.The learned counsel appearing for the intervenor would submit that the petitioners changed the name of the Duraisamy in order to get the property of the defacto complainant and they approached the revenue authority and hence, he would vehemently oppose for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that if the petitioners are prepared to give an undertaking stating that they will not use the alleged death certificate as well as the legal heir certificate, he has no objection in granting anticipatory bail to the petitioners.

6.At this juncture, the learned counsel for the petitioners, on instructions, would submit that the petitioners will not use the death certificate as well as the legal heir certificate.

7.Considering the facts and circumstances of the case and in view of the undertaken given by the petitioners, this Court is 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Melur, Madurai 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 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 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 daily at 10.30 p.m., until further orders;

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

07/02/2019

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

TO

1. THE JUDICIAL MAGISTRATE, MELUR,
MADURAI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MELUR, MADURAI DISTRICT.

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

+1. CC to M/S.J.BALAMEENAKSHI Advocate SR.No.2744
+1cc to MR.K.P.KRISHNA DOSS, Advocate in SR.No. 45558

ORDER

IN

CRL OP(MD) No.21193 of 2018

Date : 07/02/2019

AE/JC/SAR-II/18.02.2019/3P/7C