



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.14286 of 2020

1. Alagammai
2. Sethuraman ... Petitioners/1st and 7th Accused

Vs

The State of Tamil Nadu rep.by
The Inspector of Police,
Karaikudi North Police Station.
Sivagangai District.
Crime No. 522/2016.

... Respondent/Complainant

For Petitioners : M/s.M.Rajeswari,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

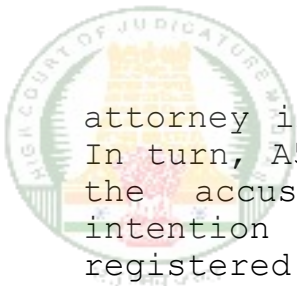
For Anticipatory bail in Crime No. 522 of 2016 on the file of the respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 420 and 467 of I.P.C., in Crime No.522 of 2016, on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the subject property belongs to the father of the defacto complainant and after his demise, the defacto complainant became absolute owner of the property. While being so, A1 to A4 had executed the power of



attorney in favour of A5 without any title deed over the property. In turn, A5 executed the sale deed in favour of A6 and A7. Thereby, the accused persons created encumbrance certificate with an intention to grab the entire property. Hence, this case has been registered.

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4. The learned counsel for the petitioners submitted that the crime is of the year 2016 and some of the accused were granted anticipatory bail. She further submitted that the petitioners are also standing on the same footing and the petitioners are also aged persons. Since the defacto complainant filed a petition before to this Court to expedite the investigation, the petitioners apprehend.

5. The learned Government Advocate (Crl. Side) submitted that the property originally belongs to the defacto complainant. The accused persons created encumbrance certificate with an intention to grab the property. Since, they committed serious offence, the custodial interrogation of the petitioners is very much required. Therefore, he prayed for dismissal of this petition.

6. Considering the age of the petitioners and that crime is of the year 2016, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Aranthangi, and on their executing 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:

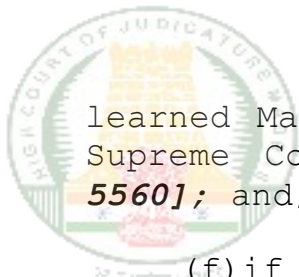
(a) The petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police 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 were 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/-
08/12/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE, ARANTHANGI.
- 2.-DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION.
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.M.RAJESWARI Advocate SR.No.24725

ORDER
IN
CRL OP(MD) No.14286 of 2020
Date :08/12/2020

IAS
AE/SMA/SAR-III (17.12.2020) 3P / 6C