



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/01/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19071 of 2019

1. Venkatachalam
2. Raja

... Petitioners/Accused 1 & 2

Vs

State Rep.by
The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.
(Crime No.216/2019)

... Respondent/Complainant

For Petitioners: M/s.S.M.Sanjay,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.216/2019 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, 465, 468, 471 and 209 of I.P.C., in Crime No.216 of 2019, on the file of the respondent police, seek anticipatory bail.

3.The learned Government Advocate (Crl. side) would point out that the property in question belongs to the de-facto complainant. The first petitioner is said to have prepared a fabricated deed of mortgage. He also subsequently filed a civil suit for enforcing the same. When this was found out, the first petitioner withdrew the suit. He had also taken back the fabricated documents. But before



the police, the first petitioner did not produce the documents in question. He had made a claim that the documents taken back by him have since been destroyed.

4.The de-facto complainant is a lady. She is also said to be a paralytic stroke patient. She is aged about 76 years.

5.The learned Government Advocate (Crl. side) would strongly oppose the petition for anticipatory bail by pointing out that the petitioners have attempted to grab the property from helpless old woman.

6.The first petitioner is also having few other cases pending against him. The second petitioner has only signed as a witness in the forged document in question.

7.In as much as, the primary allegations are levelled only against the first petitioner, this petition is dismissed as regards the first petitioner. However, anticipatory bail is granted to the second petitioner with certain conditions. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Devakottai, Sivagangai District, and on his executing 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 learned Magistrate concerned and on further condition that the second petitioner shall appear before the respondent police as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8.The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-

03/01/2020

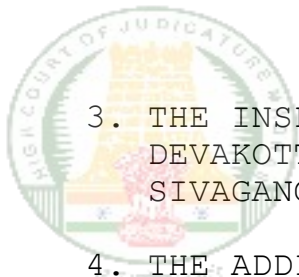
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, DEVAKOTTAI,
SIVAGANGAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.



3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.S.M. SANJAY Advocate SR.No.271

ORDER IN
CRL OP(MD) No.19071 of 2019
Date :03/01/2020

MS/PN/SAR-2/08.01.2020/3P.6C