

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the First day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6190 of 2021

1 R.SARADHA KRISHNAN
2 G.R.MADHAN KRISHNAN

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE (CRIME),
V-3 JJ NAGAR POLICE STATION,
ANNA NAGAR, CHENNAI-600 040.
CRIME NO.1296 OF 2020.

[RESPONDENT]

For Petitioner : M/S.V.MEENAKSHI SUNDARAM Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : MR.ASHWIN KUMAR Advocate

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

ORDER : The Court Made the following order :-

The petitioners are A1 and A2. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 467, 568 and 474 of IPC on the file of the respondent police in Crime No.1296 of 2020, the petitioners seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the son of the first petitioner and elder brother of the second petitioner. It is alleged that the property originally belonged to father of the defacto complainant and he died on 17.09.2020. Claiming that the deceased executed a Will in their favour the petitioners filed a petition before this Court seeking probate. Thereafter, the defacto complainant came to know that the Will is a forged Will, the present complaint has been given against the petitioners, and the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that it is a Will executed by the deceased who is the husband of the first petitioner and father of the second petitioner in their favour. The defacto complainant has never resided along with the petitioners and that they have filed a petition to probate the Will and the matter is pending before this Court and strangely the defacto complainant has filed the present complaint as if the petitioners have forged the Will. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. Mr. Ashwin Kumar, learned counsel for the intervenor submitted that the deceased after knowing about the execution of the Will in favour of the petitioners submitted the same to a private forensic lab and came to know that the signature of the deceased has been forged. Hence the present complaint has been given against the petitioners.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is pending and they have sent the Will for comparing the signature and they are yet to get a report and that the probate petition is pending.

6. Considering the facts and circumstances of the case, and the fact that it is a dispute between close family members, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions :

(a) 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, Ambattur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) 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.

(c) The petitioners shall appear before the respondent as and when required for interrogation.

(d) The petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioners shall not abscond either during investigation or trial.

(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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].

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (CRIME),
V-3 JJ NAGAR POLICE STATION,
ANNA NAGAR, CHENNAI-600 040.

+1CC to M/S.V.MEENAKSHI SUNDARAM Advocate on payment of
necessary charges SR NO.4442

CRL OP.6190/2021

Date :01/04/2021

MK:09/04/2021