

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.16439 of 2020

& CRL.MP.No.6539 of 2020

1. Sumithradevi
2. Suganthi
3. Seela rani

... Petitioners

-Vs-

State rep, by its
The Inspector of Police,
Central Crime Branch,
Coimbatore City,
Coimbatore District.
(Crime No.30 of 2020)

... Respondent

Venkatesh ... Petitioner / Defacto-complainant
[Ordered as per Order of this Court
dated 11/02/2021 in Crl.MP.No.6539/2020
in Crl.OP.No.16439/2020]

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.30 of 2020 is pending on the file of the respondent police.

For Petitioners : Mr.Prabakaran
For Mr.W.Camyles Gandhi

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

For Intervenor : Mr.S.Saravan Kumar

ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 120(b), 467, 468 of IPC in Crime No.30 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that there was civil dispute between the petitioners and the defacto complainant. Further, the petitioners had created a forged documents and sold the property in favour of A7. Based on the complaint given by the defacto complainant, the case has been registered.

3. Mr.Prabakaran, the learned counsel appearing for the petitioner would submit that the petitioners having equal rights over the property. He would further submit that the property originally belonged to one Marudhachala Chettiyar. Subsequently, the defacto complainant's father purchased the said property from Marudhachala Chettiyar vide sale deed dated 22.10.1973. He also filed a suit for partition and obtained a decree and thereby the property belongs to A1. He would further submit that A1 has been arrested and he was released on bail. He would further submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4. Mr.Saravanakumar, the learned counsel for the Intervenor would submit that A1 has absolutely no title over the property, originally in the year 1973 the petitioners have created a forged documents and trespassed into the defacto complainant's property by virtue of Power of Attorney and agreement of sale. He would further submit that he has filed another suit as against the petitioners and the same is pending. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor would submit that he has filed a counter affidavit stating that the petitioners do not have any right over the property and fraudulently created a forged documents and sold the property in favour of A7. He would further submit that A1 has been arrested and he was released on bail and there is no previous case pending as against the petitioners.

6. Considering the facts and circumstances of the case that there was a civil dispute and there is no previous case pending as against the petitioners, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 on which the order copy made ready, before the learned Judicial Magistrate No.VII, Coimbatore, on condition that the petitioners shall execute a separate 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for

anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
11/02/2021

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

सत्यमेव जयते
TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.VII, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
COIMBATORE CITY,
COIMBATORE.

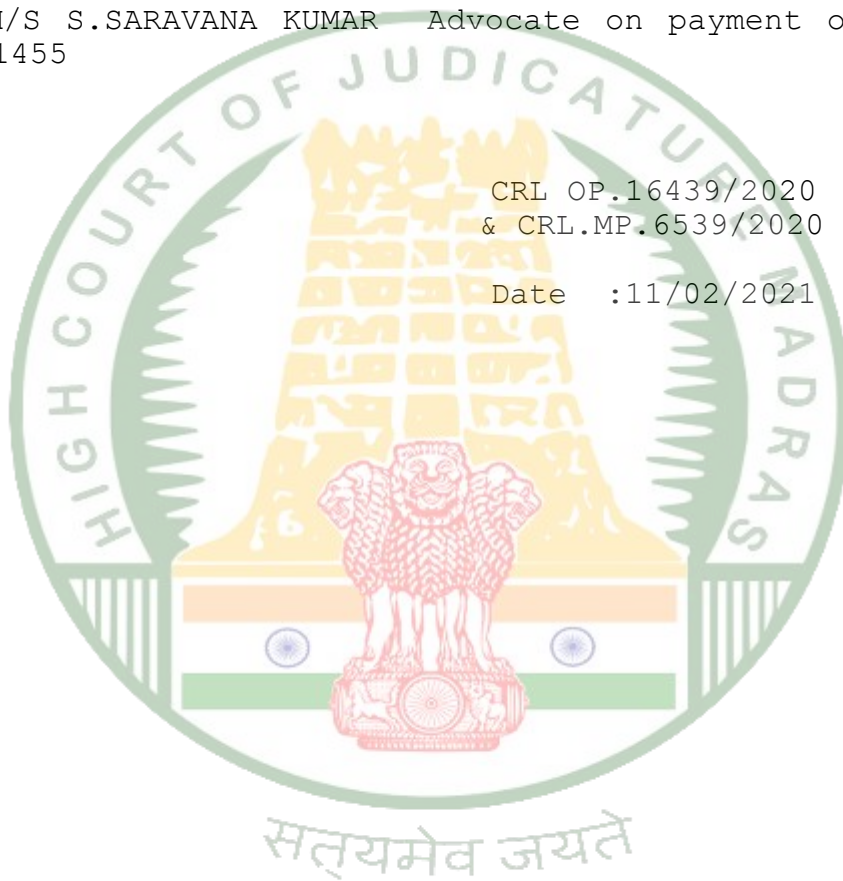
+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.1443

+1 CC to M/S S.SARAVANA KUMAR Advocate on payment of necessary
charges SR.NO.1455

CRL OP.16439/2020
& CRL.MP.6539/2020

Date :11/02/2021

cs 15/02/2021



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