

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Third day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.17159 of 2020

1 PONNUSAMY [PETITIONERS / ACCUSED]

2 MURUGANANTHAM

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE [RESPONDENT]
KINATHUKADAVU POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.1424 OF 2020

For Petitioners : M/S.M.N.BALAKRISHNAN Advocate

For Respondent : MR.S.KARTHIKEYAN Additional Public Prosecutor

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 offences punishable under Sections 467,468 and 420 of I.P.C, in Crime No.1424 of 2020, on the file of the respondent police, seek anticipatory bail.

2. Totally there are 3 accused in this case and the petitioners herein are A2 and A3. The allegation is that the defacto complainant is the absolute owner of the property by virtue of the decree passed by the Civil Court in O.S.No.147 of 2016, District Munsif Court, Pollachi and the petitioner is claiming title over the property by means of will executed by their mother and he has also filed a suit in District Munsif Court, Pollachi, and the same is pending. Now the allegation is that the said will is forged one and with that bogus will, the petitioners are claiming right and title over the property. Hence the complaint.

3.The learned counsel for the petitioner would submit that there is a title dispute between the parties and the said suit is pending between the parties and the petitioner has also filed a suit claiming title over the property by virtue of the will executed by the mother of A1 and the will is the subject matter of the suit pending before the District Munsif Court, Pollachi and now alleging

that the will is forged one, the present complainant has been filed. However, he prays for grant of anticipatory bail to the petitioner.

4. The learned public prosecutor would submit that civil suits are pending between the parties and the will, which is the subject matter of the suit. Now the allegation is that the said will is a forged one. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that is a civil dispute between the parties and the same is pending and alleged forged Will is a subject matter of the suit, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate - I, Pollachi on condition that the petitioner 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, 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.

[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 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].

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

With the above directions, this Criminal Original petition is ordered.

-sd/-
23/03/2021

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 No. I,
POLLACHI.
2. THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE DISTRICT (FOR INFORMATION)
3. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
4. THE INSPECTOR OF POLICE
KINATHUKADAVU POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S. M. N. BALAKRISHNAN Advocate on payment of necessary charges

CRL OP. 17159/2020

Date : 23/03/2021

TK/19.04.2021

सत्यमेव जयते

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