



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17950 of 2021

1 SAJATH BEGAM
2 ASICK ALI
3 ABDUL RAHMAN

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
KATTUMANNARKOIL POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.472 OF 2021.

[RESPONDENT]

For Petitioners : M/S. G.PUGAZHENTHI Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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 offence under Sections 465, 468, 471, 109 & 420 of I.P.C in Cr.No.472 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was a property dispute between the De-facto complainant and the petitioners who fabricated the sale deed of the property which was bought by the De-facto complainant's father from the mother of the petitioners herein. When the De-facto complainant came to know the fact that the sale deed of the said property has been fabricated by the petitioners, she lodged a complaint before the law enforcing agency against the petitioners.



3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further the 2nd petitioner/A2 herein filed a suit against the De-facto complainant before the Sub Judge, Chidambaram to declare the sale deed dated 27.09.1985 as null and void and the De-facto Complainant also filed a suit against the petitioners 1 & 2 in O.S.No.38 of 2019 before the District Munsif cum Judicial Magistrate, Kaattumannarkoil to declare the settlement deed dated 09.03.2018 as null and void. When the civil suits are between the parties before the competent forum, filing of criminal case against the petitioners before the law enforcing agency is not sustainable. Hence he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the investigation is pending in this case and there is no previous case against the petitioners. He further submitted that it is purely a civil dispute between the parties.

5. Considering the facts and circumstances of the case since the dispute between the parties is civil nature and civil suits are also pending between the parties before the competent forum, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are granted anticipatory bail and they 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 District Munsif cum Judicial Magistrate Court, Kattumannarkoil, Cuddalore District on condition that the petitioners 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 and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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

(c)the petitioners shall report before the respondent police as and when required until further orders;

(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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
05/10/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT,
KATTUMANNARKOIL, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

3 THE SUB INSPECTOR OF POLICE,
KATTUMANNARKOIL POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. G.PUGAZHENTHI Advocate on payment of necessary charges SR.NO.11024

CRL OP.17950/2021

Date :05/10/2021

JPA 20/10/2021