



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.18336 of 2021

1 MOHAMED SALAHUDEEN
2 HALIMA NACHIA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM.
(CRIME NO.8/2021)

[RESPONDENT]

For Petitioner : M/S.K.J.SARAVANAN 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 420, 465, 468, 471, 294(b) and 506(i) of I.P.C. in Cr.No.8 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first petitioner are brothers. The defacto complainant was born through the second wife of their father and the first petitioner was born through the first wife of their father. It is alleged that the first petitioner has obtained money for his share of the ancestral property and has no share in the property, however, he has created forged document and executed settlement deed in favour of his wife/ second petitioner. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel further submitted that it is purely civil dispute inbetween the brothers for which, the defacto complainant has filed the present complaint which is un-sustainable one.



4.The learned Government Advocate submitted that investigation is still pending.

5.The issue in the present complaint appears to be civil in nature. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 Court at Nagapattinam, 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)the petitioners and 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;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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]; and;



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

-sd/-
01/10/2021

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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 COURT,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM (FOR INFORMATION) .

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.K.J.SARAVANAN Advocate on payment of necessary charges SR.NO.10884

CRL OP.18336/2021

Date :01/10/2021

INBA-06/10/2021