



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21024 of 2021

and CRL.MP.NO.11665 OF 2021

- 1 Prabavathi
2. Senthilnathan
3. Sathyanathan
4. Kalaiselvi

...Petitioners

Versus

The State rep by
The Inspector of Police
Thiyagadurgan Police Station,
Kallakurichi District.
(Crime No.590 of 2021)

...Respondent

D.L.RAVICHANDRAN

..INTERVENING PETITIONER/DEFACTO COMPLAINANT
ORDERED AS PER ORDER OF THIS COURT DATED
16/11/2021 MADE IN CRL.MP.NO.11665/2021

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest pending investigation in Crime No. 590 of 2021 on the file of the respondent.

For Petitioners : Mr.P.Dinesh Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

For Intervenor : Mr.R.Radha Pandian

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 465, 468 and 471 of IPC and Section 82(b) of Registration Act, 1908 in Crime No.590 of 2021, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioners along with other accused persons had created a forged document and grabbed the property belongs to the defacto complainant. Hence, the complaint was registered.

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3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the first accused is the purchaser of the property and 2 to 6 accused are close relatives of the defacto complainant. He also further submitted that the petitioners are legal representatives of the one Mahalakshmi who is the daughter of Mrs.Devu Ammal and the petitioners are continued to be in peaceful possession of the suit property till October 2010. He further submitted that there was a previous enmity, a false case has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that the petitioners along with other accused persons had created a forged document and grabbed the property belonging to the defacto complainant. He further submitted that the investigation is still pending and there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the intervenor/defacto complainant submitted that the first accused had purchased the property which was executed by A2 to A6 who have no right over the property. He also further submitted that when the defacto complainant applied for patta before the Tahsildar. Kallakurichi on 22.10.2020, he came to know that the sale deed was executed in the year 2010. He further submitted that the petitioners along with other accused persons had created a forged sale deed and cheated the defacto complainant. Hence, he strongly opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and also the fact that the sale deed was executed in the year 2010, after lapse of 11 years, the complaint was given and the civil suits are pending and there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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 of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Kallakurichi, 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 and on further condition that:

(a) if the petitioners fail 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 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;

(c) the petitioners shall report before the respondent police on every Saturday at 10.30 a.m. for a period of eight weeks and thereafter 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]; and;

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

-sd/-

16/11/2021

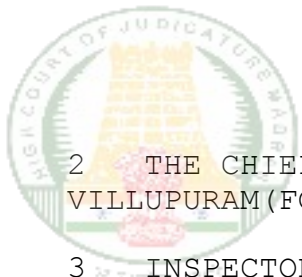
This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KALLAKURICHI



2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 INSPECTOR OF POLICE,
THIYAGDURGAM POLICE STATION,
KALLAKURICHI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S P.DINESH KUMAR Advocate on payment of necessary
charges Sr.12895

CRL OP.21024/2021

and CRL.MP.NO.11665 OF 2021

Date :16/11/2021

RVR 22/11/2021