



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 19/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . Nos.1535 and 1987 of 2021

1 VALLAL MEERANGANI
2 DUKLAK

... PETITIONERS / ACCUSED RANK NOT KNOWN
IN CRL.OP(MD)NO.1535 OF 2021

NOOR MOHAMMED

... PETITIONER/ACCUSED NO.2
IN CRL.OP(MD)NO.1987 OF 2021

Vs

STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
RAMANATHAPURAM DISTRICT,
CRIME NO.11 OF 2020.

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

THOWLATH NOORIYA @ THOWLATH NISHA

... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT
IN CRL MP(MD)No.1255 OF 2021
IN CRL OP(MD)No.1987 OF 2021

For Petitioners : Mr.V.KABILAN Advocate
IN CRL.OP(MD)NO.1535 OF 2021

Mr.S.DEENADHAYALAN
IN CRL.OP(MD)NO.1987 OF 2021

For Respondent : Mr.R.SRINIVASAN,
Government Advocate(Crl. Side)
IN BOTH PETITIONS

PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

COMMON PRAYER :-

For Anticipatory Bail in Crime No.11/2020 on the file of the
respondent Police



COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

WEB COPY

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 465, 468, 471, 420 and 120(B) of I.P.C., in Crime No.11 of 2020 on the file of the respondent police, seek anticipatory bail.

3. It is seen from the materials on record that the defacto complainant's mother had executed sale deed in favour of petitioners and other accused on 21.09.1990 vide Document No.1892 of 1990. The defacto complainant had also signed in the said sale deed. According to the defacto complainant, she was aged about 13 years at the time of registering the sale deed. She got married at the age of 18 years and she went to her matrimonial home at Chennai along with her husband. She came to her native place after the demise of her mother and requested for partition with the family members. The accused refused to give details to the defacto complainant. She verified the encumbrance certificate and she came to know that her signature was forged in the sale deed.

4. Considering the relationship between the defacto complainant and the petitioners, the issue is of the year 1990 and it is a civil in nature, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Ramanathapuram, 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 to 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners in Crl.O.P.(MD)No.1535 of 2021 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/-

19/03/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
RAMANATHAPURAM DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.DEENADHAYALAN Advocate SR.No.2413

ORDER

IN

CRL OP(MD). Nos.1535 and 1987 of 2021

Date :19/03/2021

IAS

AE/JC/SAR-II (24/03/2021) 3P / 6C

<https://hcservices.ecourts.gov.in/hcservices/>