



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

Date : 05/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3506 of 2021

1.Bazeer
2.Katharsha
3.Sahul
4.Kulanthaivelu

... Petitioners/Accused No.1 to 4

Vs

The State represented through,
The Inspector of Police,
Natham Police Station,
Dindigul District.
Cr.No. 341 of 2018.

... Respondent/Complainant

For Petitioners : Mr.S.Sarvagan Prabhu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.341 of 2018 on the file
of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 to 4, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Section 379(NP) of IPC, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant
is the paternal uncle of the first petitioner. There was a dispute
between the first petitioner and the de-facto complainant in sharing
the ancestral property, due to which, the petitioners said to have
taken away the motor from the rice mill of the de-facto complainant.
Hence, the complaint.

3.The learned counsel for the petitioners would submit that
both are relatives and a false case has been foisted against the
petitioners.



4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioners herein created a forged documents in the first petitioner's name and also cheated the de-facto complainant.

WEB COPY

5.It is seen that the petitioners have created a forged document, the petitioners are in possession of the rice mill and the same was pending before the revenue authorities. Earlier, the complaint was lodged, the respondent police had conducted an enquiry and found no materials, the same was closed. Thereafter, the de-facto complainant filed a petition under Section 156(3) of Cr.P.C.

5.Considering the same, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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, Natham, Dindigul 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 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 shall report before the respondent police 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/-
05/03/2021

/ TRUE COPY /

WEB 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, NATHAM,
DINDIGUL DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
3. THE INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3506 of 2021
Date : 05/03/2021

SJI
PK/JC/SAR-II/11.03.2021 : 3P/5C