



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20.10.2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.6061 of 2021

1.Pandian
2.Papa Selvi
3.Devi

... Petitioners/Accused Rank Not Known

Vs

State represented by
The Inspector of Police
Srivilliputtur Town Police Station,
Virudhunagar District.
(Crime No.not known of 2021)

... Respondent/Complainant

For Petitioners : Mr.M.JOTHI BASU, Advocate

For Respondent : Mr.T.SENTHIL KUMAR
Additional Public Prosecutor

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

PRAYER :-

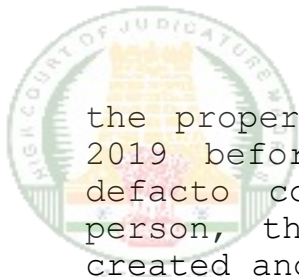
For Anticipatory Bail in Crime No.not known of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under sections 109, 114, 119, 120(B), 167, 177, 294(b), 323, 365, 384, 403, 405, 408, 417, 451, 468 and 506(ii) IPC in Crime No.Not known of 2021 seek anticipatory bail.

2.The case of the prosecution is that on 14.05.1982 One Alagumani Thevar died leaving his two sons, the defacto complainant and the 1st petitioner and his daughters, Krishnaveni and Jayasutha as his legal heirs. On 14.02.2019 the property situated in S.No.4/2A Kurukalkulam Village was allotted to the legal heirs of the said Alagumalai Thevar and the partition deed was registered before the Sub-Registrar, Srivilliputhur vide document No.750 of 2019.

3.It is the allegation of the defacto complainant that on 06.03.2019 Jayasutha, D/o.Alagumalai Thevar executed a release deed in favour of his brother one Pandian in respect of her 1/4 share in



the property and the same was registered vide document No.1110 of 2019 before the Sub-Registrar, Srivilliputhur. According to the defacto complainant, the said Jayasutha is a mentally retarded person, therefore, the accused by using force and coercion, have created and registered the release deed. Hence the complaint.

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4. When the matter is taken up for hearing, the learned Counsel for the petitioners sought permission of this Court to withdraw this petition. However, considering the nature of allegations, this Court is not inclined to grant permission to withdraw this petition.

5. According to the learned Counsel for the petitioners, it is a dispute between the brothers in respect of sharing of their father's property and the said Jayasutha has not lodged any complaint, but the defacto complainant has lodged the complaint. Further they claim that the said Jayasutha is not a mentally retarded person.

6. The learned Additional Public Prosecutor submitted that the petitioners along with other accused have created document and forcibly registered the release deed with the help of the Sub Registrar, Srivilliputhur. Therefore, the present case came to be registered.

7. On the earlier occasion this Court directed the respondent to produce a report on the mental status of the said Jayasutha by subjecting her to medical examination. However, no such report is filed before this Court. Though the petitioners claim that she is not a mentally retarded person, no material has been placed before this Court by them to substantiate their claim.

8. Considering the facts and circumstances of the case, nature of allegations and the absence any material relating to the mental status of the said Jayasutha and the stage of the investigation, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this petition stands dismissed.

sd/-

20/10/2021

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/ /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 INSPECTOR OF POLICE
SRIVILLIPUTTUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.G.M.LAW OFFICE, Advocate SR.No.7261

ORDER

IN

CRL OP(MD) No.6061 of 2021

Date :20/10/2021

SA/VR/SAR.1/11.11.2021/3P/4C