



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.9125 of 2021

1. Meenakshi Sundaram
2. Poongothai
3. Sridhar

... Petitioners/Accused Nos.3 to 5

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch, Sivagangai.
In Crime No.15 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.Balaji,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.15 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.3 to 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 468, 471, 420, 447, 420 B, 506(ii)IPC, in Crime No.15 of 2021, seek anticipatory bail.

2.The case of the prosecution is that one Periyasamy Servai and Sigappi of Kottaiyur have created an adoption deed dated 09.02.1983, as if they have given their son namely Nelliyan in adoption to one Andiyappan servai. The said Nelliyan has created documents in the year 2021 and executed a settlement deed on 22.02.2021 in favour of one Rajiv Kannan in respect of the Andiyappan Servai's property, as if he is the adopted son. Further on the same day the said Rajiv Kannan executed power of attorney in favour of this petitioner Meenakshi Sundaram, who in turn, sold the property to his wife, Poongothai. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the registered adoption deed, which was challenged by the other side would only record the adoption made by the biological parents of the first accused and even at that time of adoption, the first respondent itself was a minor. He would further submit that the suit in O.S.No.47 of 2007 filed by Valliammai Achi and other, was already dismissed by the Subordinate Court, Devakottai vide judgment dated 19.08.2018 and challenging the same, appeal in A.S.No.37 of 2017 was filed before the District Court, Sivagangai and is pending.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the matter was referred to Mediation and the report filed before this Court would reveal that mediation had failed.

5.Considering the nature of the charges levelled against the petitioners and also the fact that the co-accused A1, A6 and A7 were already granted bail and that the petitioners have appeared before the respondent police in pursuance of directions given by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 No.II, Sivagangai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/-(Rupees Twenty Five 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 conditions 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 daily at 10.30 am for a period of one month 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
29/11/2021

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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 JUDICIAL MAGISTRATE NO.II
SIVAGANGAI
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, SIVAGANGAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9125 of 2021
Date :29/11/2021

das
MK/CN/SAR.IV/04.12.2021/3P/5C