



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

Date : 23/07/2021

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PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP (MD) . No.9802 of 2021

1.Nelliyan
2.Radhakrishnan

... Petitioners/Accused No.3

Vs

The State Rep. by,
The Inspector of Police,
District Crime Branch Police Station,
Sivagangai District.
(Crime No.15 of 2021).

... Respondent/Complainant

For Petitioners: Mr.Anbarasan for
Mr.Rameshkumar D,
Advocate.

For Respondent : Mr.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No. 15 of 2021 on the file of the Respondent Police.

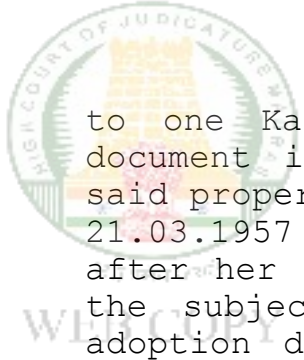
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioners were arrested and remanded to Judicial Custody on 05.07.2021 for the offences punishable under sections 468, 471, 420, 447, 120(b) and 506(ii) of IPC in Crime No.15 of 2021 on the file of the respondent police. They seek bail.

3.The case of the prosecution is briefly as follows:-

The subject property is originally belonged to one Andiyappan Servai and he sold the said property to one Arunachalam by way of a registered document in Doc.No.634/1945 on 11.05.1945. On the basis of the said sale deed, the said Arunachalam sold the said property



to one Karuppan Chettiar on 17.04.1950 by way of a registered document in Doc.No.534/1950. The said Karuppan Chettiar sold the said property on behalf of his minor children to Valliammai Atchi on 21.03.1957 and on 27.06.2011, the said Valliammai Atchi died and after her demise, her son Adaikalavan became the absolute owner of the subject property. Now the 1st petitioner has created forged adoption deed and claim himself as the legal heir of Andiyappan Servai and on the strength of said adoption deed, he sold some of the properties to A2 to A6. Hence, the complaint.

4.The learned counsel for the petitioners submits that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submits that the suit in O.S.No.47 of 2007 filed by Valliammai Achi for declaration and recovery of possession was dismissed by the learned Subordinate Judge, Devakottai.

5.The learned Additional Public Prosecutor appearing for the respondent submitted that A1 and A7 have created forged two documents and based on the same, the petitioners herein have put up a shed and threatened the defacto complainant. Therefore, it is not a fit case to grant bail to the petitioners.

6.Taking note of the facts and circumstances of this case, I am inclined to enlarge the petitioners on bail with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on their executing 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 learned Judicial Magistrate Court No.II, Sivagangai and on further conditions that:

[a] 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 10.00 am., until further orders.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 themselves as laid down by the hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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sd/-
23/07/2021

/ 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,
SIVAGANGAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, THENI.
4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/S.D.RAMESHKUMAR, Advocate (SR-4810[I] dated 23/07/2021)

ORDER
IN
CRL OP(MD) No.9802 of 2021
Date :23/07/2021