



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12499 of 2021

1.C.Ramasamy
2.R.Greata Jency Sherly ... Petitioners/Accused Nos.2&3

Vs

The State rep.by,
The Inspector of Police,
Palanichettipatty Police Station,
Theni District.
In Crime No.183 of 2021. ... Respondent/Complainant

For Petitioners : Mr.R.Balakrishnan, Advocate.

For Mr.K.Anna, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory bail in Crime No.183 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 420 and 506(i) I.P.C, in Crime No.183 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a practising advocate. The petitioners have approached the defacto complainant for filing a suit to claim title over a land to an extent of 900 sq.ft at Gopalapuram, Koduvilaarpatti Village. Though they have produced certain unregistered documents, they have failed to produce the relevant documents. Since the petitioners have created a forged document in respect of the property, the defacto complainant withdrew his appearance, when the suit pending is before the Subordinate Court, Theni. With regard to the same, there was a dispute between the petitioners and the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first accused is the mother of the first petitioner and the second accused is the wife of the first petitioner. The first accused



and her sons have approached one P.V.K.Deivendran, Senior Advocate at Theni, the father of the defacto complainant, for filing a civil suit. From 2012 onwards, the case is being dragged on and the first accused is appearing before the Sub Court, Theni once in a month and a sum of Rs.2,000/- is paid as fee to the case, till 2014 for every hearing. Finally in the year 2014, the said P.V.K.Deivendran and his son/the defacto complainant informed the first accused that the suit was dismissed and the case ended in favour of the defendants. In order to move an appeal, they obtained thumb impression from the first accused and again dragged her once in a month by receiving a sum of Rs.2,000/- per visit for proceeding with the appeal. On suspicion over the conduct of the advocates, the first petitioner engaged another advocate to unearth the true state of affairs and came to know that the suit was filed in O.S.No.323 of 2014 before the Sub Court, Theni by showing the first petitioner as the plaintiff and the signatures of the first petitioner were forged in the plaint. Therefore, the first petitioner lodged a complaint as against the said P.V.K.Deivendran and the defacto complainant. He would further submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, nature of allegation levelled against the petitioners and the contentions of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, this Criminal Original Petition is allowed and 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, Theni 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(c)the petitioners shall not tamper with the 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/09/2021

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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 JUDICIAL MAGISTRATE,
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PALANICHETTIPATTY POLICE STATION, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12499 of 2021
Date : 08/09/2021

MSA
MK/JM/SAR.IV/23.09.2021/3P/5C