



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12001 of 2022

1 VIJAYA LAKSHMI
2 VINOTH KUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE SUB INSPECTOR OF POLICE,
DCB POLICE STATION,
VELLORE.
CRIME NO.7/2020

[RESPONDENT]

For Petitioner : M/S M.R.THANGAVEL Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

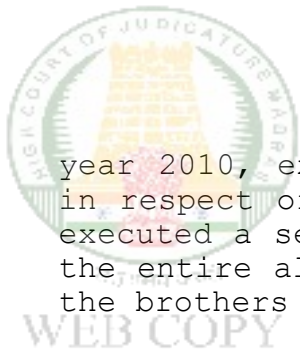
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 465, 468, 471, 294(b) and 506(i) of IPC in Crime No.7 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant lodged a complaint that the first accused, who is none other than his own brother, forged his settlement deed, as if, he settled the property of 1/8th share, as per partition deed, in favour of the first accused, who, in turn re-settled the property in favour of third accused, who is none other than his own son. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the de-facto complainant, who is none other than the elder brother of the first accused, as per the partition deed held in the



year 2010, executed a settlement deed in favour of the first accused in respect of the 1/8th share of the subject property, who, in turn, executed a settlement deed in favour of the third accused. Therefore, the entire allegations are civil in nature and the dispute is between the brothers in respect of the subject property.

4. The learned Additional Public Prosecutor appearing for the respondent strongly objected to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances as also the fact that the dispute is civil in nature, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate IV, Vellore, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 daily at 10.30 a.m. for a period of two weeks 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 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].



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

WEB COPY

-sd/-

19/05/2022

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.IV, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
DCB POLICE STATION,
VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S C.ANBU Advocate on payment of necessary charges
SR.NO. 7694

CRL OP.12001/2022

Date :19/05/2022

RW-20/05/2022