



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

Date : 04.03.2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4256 of 2022

1. Karthikeyan
2. Saravanan
3. Illarajothi
4. Vinayagamoorthi

... Petitioners/Accused 3 to 6

Vs

State represented by its
The Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Crime No.4 of 2016)

...Respondent/Complainant

For Petitioners: Mr.S.M.Anantha Murugan,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2016 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
465, 467, 468 and 471 IPC, in Crime No.4 of 2016 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the brother of the petitioners' father, who has created a forged
No Objection Certificate and got patta in his name and also executed
settlement deeds in favour of his sons/the petitioners herein.
Hence, the complaint.

3.Admittedly, the first accused and the defacto complainant are
brothers and that they were jointly owning lands in Survey
Nos.1373/A and 1374/6 vide joint patta No.1670 at Sivandipatti,
Nathikudi Village, Virudhunagar District.



4.The main contention of the defacto complainant is that his brother/first accused has created forged No Objection Certificate and got patta in his name and that thereafter, he has executed sale deed in favour of his sons.

5.The learned counsel for the petitioners would submit that the alleged No Objection Certificate was obtained in the year 2003 and the four settlement deed allegedly were executed in the year 2014.

6.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first accused was reported dead, that the FIR came to be registered in 2016 and that investigation is pending.

7.As rightly pointed out by the learned counsel for the petitioners, the main complaint was only against the first accused/brother of the defacto complainant/father of the petitioners herein.

8.Considering the nature of charges levelled against the petitioners and also the facts that FIR came to be registered in the year 2016 and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

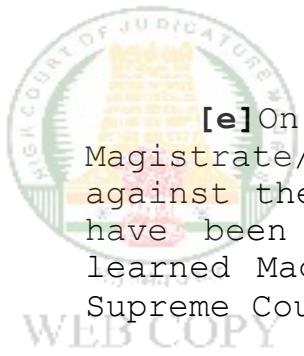
9.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District, on condition that the petitioners 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 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 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., for a period of one month and thereafter, as and when required for interrogation.

[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]***.

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

sd/-
04/03/2022

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/ /2022
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,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-1724[I] dated 04/03/2022)

ORDER
IN
CRL OP(MD) No.4256 of 2022
Date :04/03/2022

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