



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 05/08/2022

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PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.17878 of 2021

1.Pandiyan

2.Papu Selvi

: Petitioners/Accused No.1&2

Vs.

1.State rep. By its
The Inspector of Police,
Srivilliputhur Tow Police Station,
Virudhunagar District.
(Crime No.387 of 2021)

: Respondent/Complainant

2.Kumar

: Petitioner/Intervenor/
Defacto Complainant
in Crl MP(MD)No.11519 of 2021
in Crl.OP(MD)No.17878 of 2021

For Petitioner : Mr.M.Prabhu, Advocate

For 1st Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervenor : Mr.S.Vikram, Advocate

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

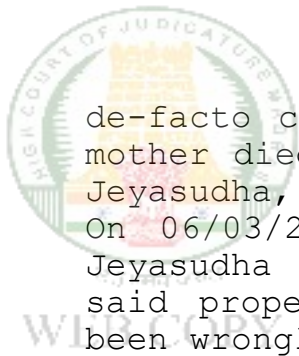
PRAYER:-

For Anticipatory Bail in Crime No.387 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 and A2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 323, 406, 467, 468, 420 and 506 (ii) IPC, in Crime No.387 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant by name Kumar has lodged a complaint stating that A1 is his own brother, A1 is the wife of A1, A3 is the aunt and A4 is the document writer. The property originally belongs to Arul Malar, father of the



de-facto complainant and A1. Totally, there are four children. The mother died, in 1981. There was a partition on 14/02/2019, in which Jeyasudha, who is mentally ill person was also allotted with share. On 06/03/2019, the accused 1 to 3 forcibly took the above said Jeyasudha and got release deed executed. The worth of the above said property is more than Rs.25,00,000/-. But the valuation has been wrongly mentioned as Rs.5,00,000/-. When that was questioned by the de-facto complainant, no proper answer was given and he was criminally intimidated and tried to be killed. On the basis of the complaint, the case was registered.

3.Now seeking anticipatory bail, these two persons have filed this petition.

4.Heard both sides.

5.Perusal of the CD file shows that even though the above said Jeyasudha was shown as a party to the partition deed, the documents that are available in the CD file shows that she was mentally ill person and taking treatment. When that being so, the contention on the part of the petitioners that Jeyasudha actively participated in the said partition is not at all correct on record.

6.A serious allegation has been made to the effect that she was taken to the Sub Registrar Officer and forced to sign in the document by taking advantage of her mental illness.

7.So when such a serious allegation has been made, the petitioners are not entitled to the discretionary relief of anticipatory and they must be subjected to custodial interrogation to bring out the truth.

8.In the result, this criminal original petition is **dismissed**.

sd/-

05/08/2022

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/09/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.The Inspector of Police,
Srivilliputhur Tow Police Station,
Virudhunagar District.



Crl.OP(MD)N



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2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.PRABU M Advocate SR.No.8338

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ORDER

IN

CRL OP (MD) No.17878 of 2021

Date :05/08/2022

RK/SVR/SAR-II (20/09/2022) 3P/4C