



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22306 of 2022

1. Geethalakshmi

2. A.Karthikeyan

3. M. Anitha

... Petitioners/Accused 1,3&4

Vs

The State rep.by,
The Inspector of Police,
Vadipatty Police Station,
Madurai District.
(Crime No.1895/2020).

... Respondent/Complainant

For Petitioners : M/s.Hassanul Bazari.J.M., Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

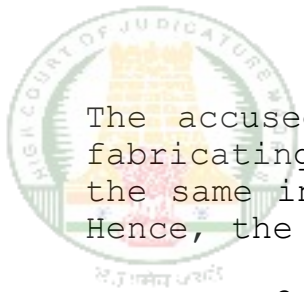
PRAYER :-

For Anticipatory Bail in Crime No.1895/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 406, 420, 463, 465, 467, 468, 470, 120(B) of I.P.C, in Crime No.1895 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that the defacto complainant is the wife of one ~~Whom name is~~ He had some properties and died intestate on 14.09.2018.



The accused persons had sold the property through one Ayyavu by fabricating the Life Certificate, to A6, who in turn, had settled the same in favour of his wife, who is arrayed as A12 in this case. Hence, the complaint.

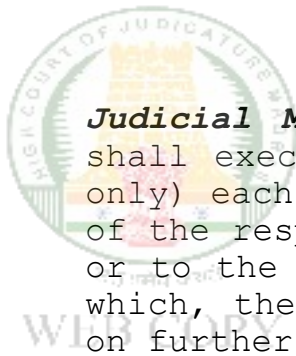
3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely roped in this case. The first and second petitioners are wife and son of elder brother of deceased Thangaraj, respectively. The third petitioner is the niece of the said Thangaraj, who is born to his younger sister Dhanalakshmi. The said Thangaraj was a bachelor during his life time and on his death, the first petitioner's husband and the third petitioner are entitled for his property, whereas, the defacto complainant, who is the wife of one Manikandan had claimed to be the wife of deceased Thangaraj and on the strength of fabricated documents, filed a complaint against the petitioners. The petitioners are not having any role in the sale of the disputed property. Thangaraj, when he was alive had executed a registered Power of Attorney, in favour of one Ayyavu, in the year 2010 and subsequent to his death, the said Ayyavu sold the same to A6, who in turn, had settled the same in favour of his wife, who is arrayed as A12 in this case. Further, it is brought to the knowledge of the petitioners that the said Kala and her daughter Rajeshwari had impersonated the petitioners and in this regard, A2 has preferred a complaint against her and her daughter before the District Crime Branch, Madurai in Crime No.35 of 2020, for the offence under Sections 465, 466, 468, 471, 420 and investigation is still pending. The said fraduster attempted to knock the ancestral properties belongs to said Thangaraj, by filing a false complaint. Between the parties, civil litigations are pending. The petitioners are ready to appear before the respondent Police for enquiry. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that as per the defacto complainant, she is the wife of deceased Thangaraj, who passed away on 14.09.2018 and after his death, the accused persons have fabricated the life certificate, dated 28.05.2019 and sold the properties to third parties. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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, Vadipatti, on condition that the petitioner 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 learned 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, thereafter, on every Saturday 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 petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/12/2022

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/01/2023

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

pnm

TO

1. THE JUDICIAL MAGISTRATE, VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

<https://www.mhc.tn.gov.in/judis>



3 THE INSPECTOR OF POLICE,
VADIPATTY POLICE STATION,
MADURAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.HASSANUL BAZARI.J.M., Advocate (SR-15179[I] dated
20/12/2022)

ORDER
IN
CRL OP(MD) No.22306 of 2022
Date :16/12/2022

RK/GB/SAR- (30/12/2022) 4P/6C