



WEB COPY

CRL OP(MD)



23

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

Date : 10/01/2023

PRESENT

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

**CRL OP(MD) . No.548 of 2023**

Jayakumar ... Petitioner/ Sole Accused

Vs

The state rep.by  
The Inspector of Police,  
Kumbakonam West Police Station,  
Thanjavur District.  
(Crime No.890 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Vanchinathan S, Advocate.

For Respondent : Mr.T.Senthil Kumar,  
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.890 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offence under Sections 404, 405, 463, 464, 467, 468 and 420 of IPC in Crime No.890 of 2022, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz., Jeeva is that she is the daughter of one Purushothaman and she is having three sisters and one brother/petitioner herein. Her father died in the year 2001. The petitioner, who is the brother of the defacto complainant obtained a legal heir certificate on 28.06.2005 in favour of him and his mother, by suppressing the fact of other legal heirs, viz., four daughters including the defacto complainant, with an intention to grab the property of his father. Hence, the complaint.



3. The learned counsel for the petitioner submit that there was a civil dispute between the parties, over which, a false complaint has been foisted against him, based on the direction issued by the learned Judicial Magistrate No.I, Kumbakonam under Section 156(3) of Cr.P.C. He would submit that the petitioner and the defacto complainant are siblings. In order to settle the dispute between them, the false complaint has been foisted against the petitioner. He would further submit that the petitioner has obtained a fresh legal heir certificate, dated 10.04.2018, including all the legal heirs. This is the second petition for anticipatory bail and the earlier petition was dismissed, since the petitioner was not in possession of fresh legal heir certificate. The petitioner is ready to co-operate with the investigation and appear for an enquiry. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioner had obtained legal heir certificate, leaving behind the defacto complainant and other legal heirs with an intention to grab the property. He would further submit that the investigation is in initial stage and custodial interrogation of the petitioner is very much necessary. 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 and considering the change of circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I, Kumbakonam**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;



[c] the petitioner 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 petitioner in accordance with law, as if the conditions have been imposed and the petitioner 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/01/2023

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

TO

1 THE JUDICIAL MAGISTRATE NO.I  
KUMBAKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE  
KUMBAKONAM WEST POLICE STATION,  
THANJAVUR DISTRICT.

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

+1 CC to M/s.VANCHINATHAN S, Advocate ( SR-480[I] dated 10/01/2023 )

ORDER

IN

CRL OP(MD) No.548 of 2023

Date :10/01/2023

PNM

MK/VR/SAR III(19.01.2023) 3P 6C