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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/04/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.1692 of 2023

1. R.Latha

2. A.Kandasamy

3. A.Rajendran

4. K.Shanthi

... Petitioners/Accused 1 TO 4

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Karur District.
Crime No.02 of 2023..

... Respondent/Complainant

For Petitioners : M/s.Suresh.K.,
Advocate.

For Intervenor : M/s.S.Gokul Raj
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.02 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 120(B), 420, 465 and 468 of IPC in Crime No. 2 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant owned ancestral property in S.F. Nos.570,760,761 and 762 of Thanthoni Village, Karur Taluk, taking advantage of the fact the defacto complainant who is living abroad the accused persons had created documents without the signature of the defacto complainant



and they assured to execute document for the past eight months and they committed forgery. The First Information Report came to be registered as per the direction of the learned Judicial Magistrate under Section 156(3) of Cr.P.C.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioners 2 and 3 had executed sale deed in favour of petitioners 1 and 4 respectively without consent of the defacto complainant, since the defacto complainant is also having his share in the property. In this regard the defacto complainant and another person filed a suit in O.S. No.184 of 2016 on the file of the Subordinate Judge, Karur for declaration and to declare the sale deed dated 01.07.2015 as null and void. They also filed another suit in O.S. No.81 of 2016 before the District Munsif, Karur for the very same relief and the same is pending. In fact the defacto complainant also filed another suit in O.S. No.103 of 2022 on the file of the District Judge, Karur for the very same relief and the same is pending.

5. The learned counsel appearing for the defacto complainant/intervenor would submit that before enquiry officer they admitted that the defacto complainant also his share in the property. Even then without the signature or his consent from the defacto complainant they executed sale deed in respect of the subject property in favour of their respective wife. Admittedly there are suits pending for declaration in respect of the very same property. In the meanwhile the defacto complainant also lodged complaint and the same was not considered by the concerned jurisdiction police. Hence the defacto complainant had filed petition for direction under section 156(3) of Cr.P.C before the concerned Magistrate to register the First Information Report and in pursuant to the said direction the respondent has registered the First Information Report, as such the petitioners apprehend arrest.

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

7. 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 No.I, Karur, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

[g] the petitioners shall not alienate/encumber the subject property.

sd/-
12/04/2023

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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
KARUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



+1 CC to M/s.SURESH.K., Advocate (SR-5788[I] dated 12/04/2023)

+1 CC to M/s.M/s.S.Gokul Raj, Advocate (SR-5761[I])

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ORDER

IN

CRL OP(MD) No.1692 of 2023

Date :12/04/2023

SS/BUC/SAR III/19/04/2023/4P/7C