



WEB COPY

CRL OP(MD).



23

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

Date : 07/03/2023

PRESENT

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

CRL OP(MD) . No.2040 of 2023

1.M.S.Samuvel

2.Ananthabaskar

3.Immanuvel Raviraj

... Petitioners/Accused Nos.4 to 6

Vs

The Inspector of Police,
City Crime Branch,
Tirunelveli City.
(In Crime No.40 of 2017).

... Respondent/Complainant

For Petitioners : Mr.C.Susi Kumar, Advocate

For Respondent : M/S.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Invervener : M/s.R.Aravindraaj, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.40 of 2017 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.4 to 6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 418, 420, 465, 468, 471 and 120(b) of I.P.C., in Crime No.40 of 2017 on the file of the respondent police, seek anticipatory bail.

<https://www.mca21.com/>



2. The case of the prosecution is that the defacto complainant is a retired professor and her husband is no more. The first accused is none other than the brother of the defacto complainant's husband and the first accused created forged document, as if her father-in-law executed a Will in favour of him on 06.04.1993 and the same was registered as Document No.324 of 1993. Thereafter, the first accused executed a settlement deed in favour of the second accused, who is his wife and she executed a power of attorney deed in favour of the third accused and first petitioner and subsequently, it was cancelled. Thereafter, on 20.08.2017, another power of attorney deed was executed by the first and second accused to the third accused and the same was registered as Document No.3990 of 2017 and thereafter, the third accused cancelled the power of attorney deed. Further on 15.09.2017, once again, the first and second petitioners have entered into a sale agreement with the third petitioner with the help of Accused No.7. In order to cheat the defacto complainant, all the alleged transactions were made. Hence, the complaint.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. It is seen that the defacto complainant is one of the share holder and she claims her share in the subject property. Further, it is seen that the alleged transactions were taken place in the year 2017. Based on the direction issued by the learned Magistrate under Section 156(3) of Cr.P.C, F.I.R has been registered. Therefore, the custodial interrogation of the petitioners are not required and this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. 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.1, Tirunelveli, 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 and appear in court 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.

sd/-

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

ps

TO

1.THE JUDICIAL MAGISTRATE NO.1, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

3.THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY.

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

ORDER

IN

CRL OP(MD) No.2040 of 2023

Date :07/03/2023

RK/SAR-1 (15/03/2023) 3P/5C