



7BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3691 of 2023

WEB COPY

1.Kareshwari
2.Parameshwari
3.Santhi
4.Mookkaiah

...Petitioners/Accused Nos.1 to 4

-vs-

The State represented by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Cr.No. 178 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.178 of 2022 on the file of the respondent Police.

For Petitioners : Mr.A.Sankararamasubramanian

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

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 147, 406, 467, 468, 294(b) and 506(i) of IPC r/w 120(b) of IPC in Crime No.178 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that a plot in P.No.268 situated in Kadayanallur Village, Kadayanallur Sub Registration Circle, Tenkasi Registration District was assigned to her and her husband Pandaram vide Patta No.50 on 09.09.1989 by the Special Tahsildar, Adi Dravidar Welfare, Tenkasi and they have put up 10x10 shed in that plot and they were in possession. While so, her husband died on 04.12.2021. Thereafter, on 01.04.2022, the accused 1 to 3 had created a problem saying that they are the owners of the property and when she had applied for encumbrance, it was found that the accused had fabricated a sale deed, as if the first accused had settled the property in



favour of the Accused Nos.2 and 3, in which the Accused Nos. 5 have signed as witnesses and when it was questioned by the de-facto complainant, the other accused have threatened her, thereby, attempted to grab the property of the de-facto complainant. Hence, the complaint.

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3.The learned counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given due to a family dispute. He would also submit that the first petitioner is none other than the sister-in-law of the de-facto complainant. The de-facto complainant and her husband, brother of A1, were granted allotment with a plot by the Special Tahsildar, Adi Dravidar Welfare. The husband of the de-facto complainant passed away on 04.12.2021. In respect of certain financial disputes, the de-facto complainant had advised the first accused to execute a settlement in favour of her children, since the de-facto complainant did not have any children. Believing the same, the first accused had also executed a settlement deed in favour of her children, the Accused Nos.2 and 3. However, later coming to know that they have committed a mistake by executing a settlement deed, they have immediately cancelled the settlement deed on 12.05.2022.

4.He would further submit that it is not a case of impersonation. The petitioners coming to know that they have no right over the property, have immediately cancelled the settlement deed, whereas, a complaint was given on 01.06.2022. The petitioners being close relatives, they undertake that they will not claim any right over the property and they will not create any problem with the de-facto complainant. They have also filed an affidavit of undertaking to that effect. Hence, he would seek for anticipatory bail to the petitioners.

5.The learned Government Advocate (crl.side) would submit that the accused by fabrication of documents attempted to grab the property of the de-facto complainant. He would object for grant of anticipatory bail to the petitioners.

6.Heard and perused the materials available on record. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 Judicial Magistrate Court, Tenkasi, on condition that the petitioners shall execute 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



concerned, failing which, the petition for anticipatory bail 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 everyday at 10.30 a.m., for a period of one week 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.

The affidavit filed by the petitioner shall form part of the court records.

sd/-
02/03/2023

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/03/2023

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

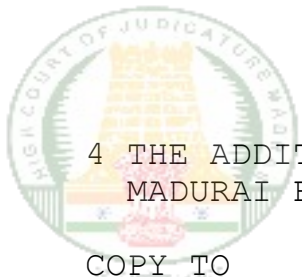
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TO

1.THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.



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

COPY TO

THE SECTION OFFICER,
ER SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (ENCL.XEROX COPY OF AFFIDAVIT)

ORDER

IN

CRL OP(MD) No.3691 of 2023

Date :02/03/2023

RK/SBN/SAR-4 (07/03/2023) 4P/6C