



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 10.03.2023

WEB COPY

PRESENT

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

CRL OP(MD)No.4593 of 2023

1.Dasaratha Ramachandran  
2.Rajeswari  
3.Sivasakthi  
4.Palakani @ Balakani

... Petitioners /  
Accused No.5,6,7 & 10

Vs

The Inspector of Police,  
Pavoorchathiram Police Station,  
Tenkasi District.  
(Crime No.107 of 2022)

... Respondent / Complainant

For Petitioners : Mr.V.Angusamy, Advocate

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

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

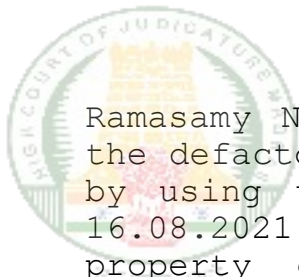
PRAYER :-

For Anticipatory Bail in Crime No.107 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 465, 468 and 471 IPC in Crime No.107 of 2022, seek anticipatory bail.

2.The case of the prosecution is that one Gopalakrishna Nadar and his brother Ramasamy Nadar have partitioned their family property and each of them have got 12.05 cents comprised in punja survey No.621/2 at Thippanampatti village, Tenkasi Taluk. Both have enjoyed the property and died intestate. Thereafter, the properties have been divided upon their legal heirs. One such legal heir of



Ramasamy Nadar is Gopalakrishnan. The specific allegation by the defacto complainant is that one of the legal heir Gopalakrishnan by using the name similarity, had executed a settlement deed on 16.08.2021 in favour of his brother Kaliyappan with regard to the property of his uncle Gopalakrishnan. Based on the forged settlement deed, the property has been subsequently, conveyed and the first petitioner is the subsequent purchaser and other petitioners are attesting witnesses. Hence the case.

3. Heard and perused the materials available in the records.

4. It is seen that the property belonged to the defacto complainant. A1 executed sale deed in favour of A2, in turn, A2 executed settlement deed in favour of A3, in turn, A3 executed sale deed in favour of A4. Thereafter, A4 executed sale deed in favour of the first petitioner herein, in which, the other petitioners stood as attesting witnesses. The respondent police, so far arrested A1, A3, A8 and A9. Even according to the prosecution, the first petitioner purchased the property and other petitioners stood as attesting witnesses to the document. Therefore, custodial interrogation of the petitioners does not require in this case. Accordingly, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

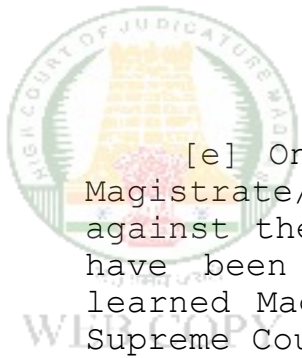
5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tenkasi on condition that the petitioners shall execute a bond for 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 first petitioner 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 and the other petitioners shall report before the respondent police as and when required;

[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/-

10/03/2023

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

GNS

To

1.The Judicial Magistrate,  
Tenkasi.

2.Do through the Chief Judicial Magistrate,  
Tirunelveli District.

3.The Inspector of Police,  
Pavoorchathiram Police Station,  
Tenkasi District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.ANGUSAMY, Advocate ( SR-3964[I] dated 10/03/2023 )

ORDER

IN

CRL OP(MD) No.4593 of 2023

Date :10/03/2023

ED/SBN/SAR- 1(20/03/2023) 3P 6C