



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/03/2023

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PRESENT

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

CRL OP(MD) . 5980 of 2023

1.Karppaka Kannan
2.Kannan
3.Vellammal
4.Sundarammal

... Petitioners/Accused Nos. 1 to 4

Vs

State rep., through
The Inspector of Police,
Thirumangalam Taluk Police Station,
Thirumangalam, Madurai District.
(Crime No.47 of 2023).

... Respondent/Complainant

For Petitioner : Mr.T.Vadivelan, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor(Crl.Side)

PETITION FOR Anticipatory Bail Under Sec.438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.47 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 406, 420, 468 and 471 of IPC in Crime No.47 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution according to the defacto complainant is that the petitioners cheated the death certificate of the defacto complainant's mother. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case.



4. Heard the learned Additional Public Prosecutor appear for the respondent.

5. It is seen that there was a property dispute between the defacto complainant and her family members. The petitioners 1 and 2 are none other than the brother's sons of the defacto complainant and the petitioners 3 and 4 are sisters of the defacto complainant. After the death of mother of the defacto complainant, property dispute arose between the family members. In this regard, suit was pending between the parties.

6. Taking into consideration of the facts and circumstances of the case, the custodial interrogation of the petitioners is not required. Accordingly, 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, Thirumangalam, 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 1 and 2 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. The petitioners 3 and 4 shall report before the respondent police 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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sd/-
30/03/2023

/04/2023

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

RMK

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUMANGALAM TALUK POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5980 of 2023
Date :30/03/2023

PKP/SSS/SAR-4/10.04.2023/ **3P/5C**