



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2023

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PRESENT

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

CRL OP(MD). No.11673 of 2022

1. Muthu,
2. Banumathi,
3. Muthumani,
4. Prabhakaran, ... Petitioners/Accused Nos. 1 to 4

Vs

The state rep by,
The Sub Inspector of Police,
Dhadikombu Police Station,
Dindigul District.
Crime.No.181 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Balamurugan S, Advocate.

For Respondent : Mr.R.M,Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.181 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 to A4 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 408,420,468 and 471 of IPC, in Crime No. 181 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the defacto complainant purchased a land in S.No.294/1 to an extent of 258sq.ft vide sale deed Document No.2424/2020 dated 22.05.2020, whereas the petitioner have created forged documents vide document No.2955/2020 which was enquired by the Deputy Inspector General of Registration , Madurai and directed to cancel the said deed stating that the said document is a fraudulent



registration and also directed to take action against the persons, hence the present First Information Report came to be registered.

3. The learned counsel for the petitioners would submit that the subject property is ancestral property and the first petitioner had obtained patta in this name bearing patta No.587 to the extent of 540sq.ft and thereafter the first petitioner had executed settlement deed in favour of the second petitioner in respect of 260 sq.ft out of 540sq.ft in S.No.824/20. He would further submit that the defacto complainant is only owning the property and a civil dispute has been converted into a criminal complaint, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have forged the patta and executed settlement deed in favour of the second petitioner. In fact after registration of the settlement deed the registering authorities found that the first petitioner forged patta and executed settlement deed in favour of the second petitioner, hence he seeks dismissal for the first petitioner. He would further submit that A3 was arrested and remanded to judicial custody.

5. Heard. Perused the materials available on record including the First Information Report.

6. Taking into consideration of the facts and circumstances of the case and also the fact that it is a case of civil dispute this court is inclined to grant anticipatory bail to the petitioners 2 and 4 alone , with certain conditions:

7. Accordingly, the petitioners 2 and 4 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.II, Dindigul, on condition that the petitioners 2 and 4 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 2 and 4 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 2 and 4 shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and



[c] the petitioners 2 and 4 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 4 shall not abscond either during investigation or trial.

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[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 4 in accordance with law as if the conditions have been imposed and the petitioners 2 and 4 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.

8. The petition stands dismissed in so far as the first and third petitioners.

sd/-
07/03/2023

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/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

- 1 THE JUDICIAL MAGISTRATE NO.II
DINDIGUL
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
DHADIKOMBU POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-3623[I] dated 08/03/2023)

ORDER
IN
CRL OP(MD) No.11673 of 2022
Date :07/03/2023

PKP/BUC/SAR-1/13.03.2023/ **3P/6C**