



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.12304 of 2022

1.S.Ganesan  
2.G.Vani  
3.M.Vasakar  
4.M.Sanyasi  
5.Manikandan

... Petitioners/Accused

Vs.

1.State represented through  
The Inspector of Police,  
Bodinayakanur Rural Police Station,  
Theni District.  
Crime No.183 of 2022

...Respondent/Complainant

2.S.Udhayakumar

...Petitioner/Intervener

For Petitioners : Mr.V.P.Rajan  
Advocate.

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

For Intervenor : Mr.R.Suriyanarayanan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.183 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 120(B), 420, 465, 468 and 471 of IPC, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the defacto complainant's mother is entitled to house site admeasuring an extent of 527 sq.ft, comprising in New Survey No.623/40, 623/41 at Sillamadathupatti, Bodinayakanur, Theni District by virtue of sale agreements executed in the year 1988, 1995 by the petitioner Nos.3 and 4. Further, the mother of the defacto complainant executed a Will in favour of both sons (the 1<sup>st</sup> petitioner and the deacto complainant). After demise of his mother, the petitioners hatched conspiracy and created false documents and executed sale deed in favour of the first petitioner by the petitioner Nos.3 & 4. Hence, the complaint.

3.Heard both sides and perused the materials available on record.

4.It is seen that the dispute is between the brothers and that the brother of the first accused also claimed half share over the subject property. Therefore, the entire allegations are civil in nature and custodial interrogation of the petitioners does not require. Hence, 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakanur, Theni District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 daily at 10.00 a.m. without fail, for a period of two weeks and 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. 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]; and;

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
10/03/2023

/ TRUE COPY /

/03/2023

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

VSD

TO

1. THE JUDICIAL MAGISTRATE, BODINAYAKANUR, THENI DISTRICT,
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THENI.
3. THE INSPECTOR OF POLICE,  
BODINAYAKANUR RURAL POLICE STATION,  
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.12304 of 2022  
Date : 10/03/2023

RK/BUC/SAR-4 (28/03/2023) 3P/5C