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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/06/2023

PRESENT

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

CRL OP(MD). No.10157 of 2023

Dhanabakkiyam, ... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Samayapuram Police Station,
Trichy District.
Crime No. 109 of 2023. ... Respondent/Complainant

For Petitioner : K. M.Karunakaran,
Advocate.

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

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

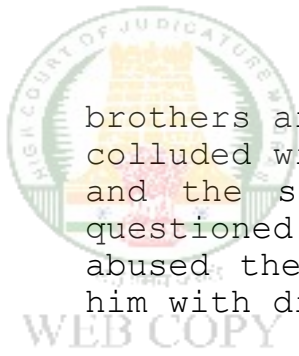
PRAYER :-

For Anticipatory Bail in Crime No.109 OF 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 466, 468, 471, 294(b) and 506(ii) of I.P.C., in Crime No.109 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is having ancestral property in Ennjiyur Village, Lalgudi Circle, Trichy District. The father of the de-facto complainant filed a suit in O.S.No.1078 of 1980 before the Trichy Sub Court as against the Mariayya's wives namely Pangajatammal, Prakalammal and the petitioner herein and as per the judgment of the suit, the father of the de-facto complainant was in possession and enjoyment of the property. After his demise, the de-facto complainant and his



brothers are in joint possession of the property. But the petitioner colluded with A3, forged the documents and registered two sale deeds and the same were executed in favour of A1. When the same was questioned by the de-facto complainant, the accused persons were abused the de-facto complainant in filthy language and threatened him with dire consequences. Hence, the case.

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

4. It is seen that the petitioner claims to be the third wife of one Mariyaiya. The property belongs to him and after she lost her husband, she sold out the property by fabrication of document. The de-facto complainant is none other than the first wife's son. The petitioner is aged about 70 years. Therefore, the custodial interrogation of the petitioner does not require in this case.

5. Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.3, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 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;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions were not imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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.

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

SJI

TO

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-8526[I] dated 12/06/2023

ORDER
IN
CRL OP(MD) No.10157 of 2023
Date :12/06/2023

PKP/CG/SAR- /19.06.2023/ **3P/6C**