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CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/06/2023

PRESENT

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

CRL OP(MD). No.10753 of 2023

1. K.Santhanakrishnan,

2. S.Radhamani, ... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by

The Inspector of Police,

Palanichettypatti Police Staiton,

Theni District.

In Crime No.277 of 2023..

... Respondent/Complainant

For Petitioners : Mr.M.A.M.Raja,
Advocate.

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

For Intervener: MR.C.Jeganathan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.277 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 417, 420, 467, 471 and 120B of IPC in Crime No.277 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is enjoying the defacto complainant's father share of land. In order to grab the defacto complainant's land, the petitioners created a forged Will, as if it was executed by the defacto complainant's father in favour of the petitioners herein. Hence, the complaint.



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the property belonged to the defacto complainant's father. He died and thereafter, the petitioners stating that they are the proposed beneficiaries of the Will which was allegedly executed by the defacto complainant's father, filed Propet O.P.No.59 of 2022 on the file of the learned Principal District Judge, Theni. On receipt of the notice, the defacto complainant came to understand that the father never executed any Will. They were no way related to them. However, he also found that from the Will, one of the attestors died long ago in the year 1999. However, the Will was executed on 15.07.2009 by the father of the defacto complainant. Now it is pending for probation before the Principal District Court, Theni in Propet O.P.No.59 of 2022. The learned counsel for the petitioner would submit that though they belong to same community, they are not so close relative to the defacto complainant. However, now the matter is pending for probation on the strength of the Will to be produced by the petitioner. Hence, custodial interrogation of the petitioners do not require in this case.

5. Taking into consideration the aforesaid facts, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6. 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, 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 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 am., for a period of three weeks and thereafter as and when required for interrogation and the second petitioner shall report before the respondent Police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness or in any manner obstructing 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/-
19/06/2023

/ TRUE COPY /

/06/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN

TO

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

ORDER
IN
CRL OP(MD) No.10753 of 2023
Date :19/06/2023

PKP/CG/SAR- /26.06.2023/ **3P/5C**