



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

Date : 02/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA
CRL OP(MD). No.16638 of 2022

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1. Saravanakumar

2. Muthurathinam ... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Inspector of Police,
Sattur Town Police Station,
Virudhunagar District.
(Crime No.243/2022).

... Respondent/Complainant

For Petitioners : M/s. Kalaiyarasi Bharathi P, Advocate

For Intervener : No Appearance

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr No.243/2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 452, 420, 294(b), 323, 506(i) of I.P.C and Section 4 of
Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime
No.243 of 2022, on the file of the respondent police, seek
anticipatory bail.

2.The case of the prosecution as per the defacto complainant
viz., Parvathi is that she had settled a property viz., a house in
favour of her grandson/first accused by 'Will' dated 23.02.2017,
since she believed that her grandson will take care of her in her
old age. After the execution of 'Will', the first accused failed to
take care of the defacto complainant. Therefore, she has taken steps
to cancel the said 'Will'. On knowing it, the first accused and his
wife/second accused induced her and fraudulently executed settlement
deed in favour of first accused. When the defacto complainant
applied for encumbrance certificate, the said fraudulent activity of
the said persons came to light. When the same was questioned by



her, the accused persons have abused and attempted to assault the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false complainant has been given against them. The defacto complainant is the paternal grandmother of the first petitioner and out of love, she had executed a settlement deed in his favour. On the instigation of defacto complainant's grand children Jeyabharathi and her husband Jagadeeswaran, this false case has been foisted against them, based on the direction given by the Court below under Section 156(3) of Cr.P.C. The defacto complainant had not only having the disputed property, but also having several properties in her favour. As alleged by the prosecution, there is no occurrence took place. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the petitioners are defacto complainant's grandson and his wife. They have fraudulently obtained a 'Will' and induced the defacto complainant to execute a settlement deed in the favour of first petitioner. When the same was questioned by the defacto complainant, she was abused and attempted to assault her. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the nature of property dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Sattur**, 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 learned 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 a.m., for a period of four weeks, the petitioner shall report before the respondent Police daily at 10:30 a.m., for a period of one week, thereafter, as and when required for interrogation;

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(c) the petitioners shall not tamper with the 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]**; and;

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

sd/-

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

PNM
TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
SATTUR TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.KALAIYARASI BHARATHI P, Advocate (SR-37[I]

ORDER

IN

CRL OP(MD) No.16638 of 2022

Date : 02/01/2023

PKP/MMS/SAR-2/09.01.2023/3P/6C

<https://www.mhc.tn.gov.in/judis>