



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

Date : 08/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD) . Nos.16870 and 17519 of 2022

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C.Sankara Narayanan

... Petitioner / Accused No.2
in Crl.O.P(MD) No.16870 of 2022

R.Thavani

... Petitioner / Accused No.1
in Crl.O.P(MD) No.17519 of 2022

Vs

1.State rep by
The Inspector of Police,
City Crime Branch,
Tirunelveli City
(Crime No. 14 of 2022).

... Respondent / Complainant
in both petitions

2.Santha

... Petitioner / Intervener /
Defacto Complainant
in CRL MP(MD) No.13398 of 2022

(in Crl.O.P(MD) No.16870 of 2022)

For Petitioner : M/s.Laxman K.R., Advocate.

For Intervenor :M/s.B.Anand, Advocate

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

(In Crl.O.P(MD) No.17519 of 2022)

For Petitioner : M/s.Priscilla Pandian,J Advocate.

For Intervenor :M/s.B.Anand, Advocate

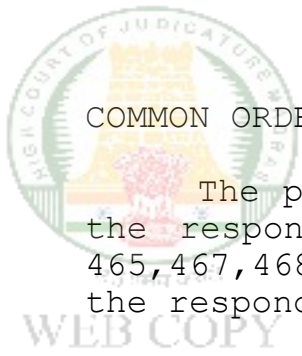
For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No. 14 of 2022 on the file of
the Respondent police.

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



COMMON ORDER : The Court made the following order :-

The petitioners/A2 and A1 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 465, 467, 468 and 471 of IPC in Crime No. 14 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused is the daughter-in-law of the defacto complainant. The son of the defacto complainant who is the husband of the first accused committed suicide and expired on 15.03.2020 due to financial crisis, wherein the defacto complainant stated that when her son was alive the defacto complainant has given 400 grams of gold jewels which has been pledged by her son Ravi Shankar in his name. The allegation of the defacto complainant is that her daughter -in-law managed to get legal heirship certificate to her son without including her name as one of the legal heir and further upon getting her legal heirship certificate the first accused had redeemed the entire 400gms which belongs to the defacto complainant and further alleged that the first accused using the said legal heirship certificate has also alienated the house property of her son without including the defacto complainant in the sale deed, hence the case.

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

4. 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:

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Judicial Magistrate for Land Grabbing cases, Tirunelveli 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 respond to police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.



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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
08/03/2023

/ TRUE COPY /

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

AAV

To

1.The Special Judicial Magistrate for Land Grabbing Cases,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
City Crime Branch,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-10277[I] dated 21/09/2022)

+1 CC to M/s.R.SURESHKUMAR, Advocate (SR-3689[I] dated 08/03/2023)

ORDER

IN
CRL OP(MD) No.16870 of 2022
Date :08/03/2023