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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). Nos.15274 and 15278 of 2023

Crl.O.P(MD) No.15274 of 2023

Santhanakrishnan,

... Petitioner/1<sup>st</sup> Accused

Vs

The State rep. by  
The Inspector of Police,  
Thiruthangal Police Station,  
Virudhunagar District.  
Crime No.254 of 2023.

... Respondent/Complainant

For Petitioner : M/s.Gayathri N,  
Advocate.

For Intervenor : M/s.R.Karunanidhi  
Advocate

For Respondent : Mr.R.M.S.Sethuraman,  
Additional Public Prosecutor



CrI.O.P(MD) No.15278 of 2023

1. Krishnamoorthy(A2),

2. Murugeswari @ Eswari (A3),

... Petitioner/2<sup>nd</sup> and 3<sup>rd</sup> Accused

Vs

The State rep. by  
The Inspector of Police,  
Thiruthangal Police Station,  
Virudhunagar District.  
Crime No.254 of 2023.

... Respondent/Complainant

For Petitioners : M/s.Surya.S

Advocate.

For Intervenor : M/s.R.Karunanidhi

Advocate

For Respondent : Mr.R.M.S.Sethuraman,

Additional Public Prosecutor

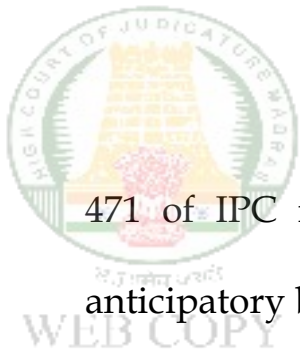
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.254 of 2023 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1,A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(B),420,465,468 and



471 of IPC in Crime No.254 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 12.01.2011 the defacto complainant purchased a property in S.No.739/1A in Thiruthangal Village, Virudhunagar District to an extent of 60 cents from A1 leaving 6 cents below the property vide registered sale deed No.16/2011 registered in the Office of Sub Registrar, Thiruthangal. On 01.07.2023 the sister of the defacto complainant called the defacto complainant and told that the second accused is fencing the property and when the defacto complainant asked the second accused about the fencing the second accused told that it is his property and asked him to see the document and when the defacto complainant verified his document he came to know that the six cents of the defacto complainant is also mentioned in the second accused's purchase document No.2441/2012 and the same document writer /fourth accused drafted the purchase document of the defacto complainant. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Therefore, he prayed for anticipatory bail to the petitioners.



4.The Government Additional Public Prosecutor appearing for the respondent would submit that investigation in this case pending.

5.Considering the facts and circumstances of the case and also the fact that it is a civil dispute between the parties, 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 No.II, Sivakasi on condition that the petitioner 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.



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[b] the petitioners shall appear before the trial Court on summons

[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 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/-  
09/10/2023

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/10/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.



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1 The Judicial Magistrate No.II, Sivakasi.

2 Do through the Chief Judicial Magistrate,  
Virudhunagar District at Srivilliputhur.

3 The Inspector of Police,  
Thiruthangal Police Station,  
Virudhunagar District.

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

+1 CC to M/s.N.GAYATHRI, Advocate ( SR-14838[I] dated 09/10/2023 )

+1 CC to MR.S.SURYA, Advocate ( SR-14837[I] dated 09/10/2023 )

ORDER

IN

CRL OP(MD) No.15274 of 2023

Date :09/10/2023

SSA/DD/16.10.2023/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023