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

Date : 29/08/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

CRL OP(MD). No.15637 of 2023

1. Parameshwari,
2. Chandran,
3. Neelakandan,
4. Sekar

... Petitioners/ Accused No.1,2,4,5

Vs

The State represented by  
The Inspector of Police,  
Swamimalai Police Station ,  
Thanjavur District,  
Crime No.194/2023.

... Respondent/Complainant

For Petitioners : M/s.Karthikeya Venkitachalapat,  
Advocate.

For Respondent : Mr.S.Ravi,  
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.194/2023 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/A1,2,4 and 5, who apprehend arrest at the hands of the



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respondent police for the offences punishable under Sections 464, 468 and 471 of IPC in Crime No.194 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first and third accused executed a release deed in which 2/3<sup>rd</sup> share over the property is in favour of the second accused in which the fourth and fifth accused stood as attesting witnesses. It is further alleged that the first and third accused executed release deed in respect of the property in S.No.130/5E to an extent of 0.02.50 Ares. It is further alleged that the patta of the property stands in the name of 12 persons, hence the complaint was preferred before the District Registrar(Admin) Kumbakonam and after enquiry he directed the defacto complainant to lodge a complaint against the petitioners.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the civil suit is pending between the parties and appeal also pending before the Inspector General of Registration, hence he seeks anticipatory bail.

4. The learned Additional Public Prosecutor would submit that A1 and A2 had executed settlement deed in favour of A3, who is their brother for the property which belongs to co-sharers. The co-sharers have given complaint before the District Registrar who conducted enquiry had cancelled the settlement deed stating that these



petitioners have no exclusive right over the property, hence he objected to grant anticipatory bail to the petitioners

5. Heard both side and perused the materials available on record.

6. considering the rival submissions on either side and considering the fact that civil litigations are pending between the parties and also appeal pending before the Inspector General of Registration with regard to the cancellation of documents and considering the fact that these petitioners also having right over the properties and considering the nature of offences, this Court is inclined to grant anticipatory bail to the petitioners , subject to the following conditions:

7. 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, Kumbakonam 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.00 A.M. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.



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[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
29/08/2023

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/08/2023  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

AAV

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,  
KUMBAKONAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE  
SWAMIMALAI POLICE STATION ,  
THANJAVUR DISTRICT



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

+1 CC to M/s.M.KARTHIKEYA VENKITACHALAPATHY, Advocate ( SR-12928[I]  
dated 29/08/2023 )

ORDER  
IN  
CRL OP(MD) No.15637 of 2023  
Date :29/08/2023

SS/VR/31/08/2023/5P/6C

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