



CRL OP(MD). No.16437 of 2023

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

Date : 04/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.16437 of 2023

M.Arunachalam,

... Petitioner/ Accused No.4

Vs

**State Rep.by
The Inspector of Police,
District Crime Branch,
Tirunelveli
District.
Crime No.15 of 2023..**

... Respondent/Complainant

N.Suseela

**...Petitioner/Intervenor
in CRL MP(MD)No. 14013 of 2023**

Suveendran

**...Petitioner/Intervenor/Defacto Complainant
in CRL MP(MD)No. 13524 of 2023**

For Petitioner : Mr.M.Ponniah, Advocate.

For Respondent : Mr.RMS.Sethuraman

Additional Public Prosecutor

For Intervenor : MR.V.Kathirvel, Senior Counsel

for M/s. S.Bharathi, Advocate

in CRL MP(MD)No. 14013 OF 2023

For Intervenor : MR.T.Antony Arulraj, Advocate

in CRL MP(MD)No. 13524 of 2023

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

PRAYER :-

For Anticipatory Bail in Cr.No.15 of 2023 on the file of the Respondent Police.

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



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ORDER : The Court made the following order :-

The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420, 465, 467, 468 and 120B IPC in Crime No.15 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused said to have created a Will executed by the father of the defacto complainant Late.Thiru. T. Natarajan, dated 04.11.2021 in a fraudulent manner and taken away the properties of the defacto complainant, demanded to take action as against them. . Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, prayed for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and other accused colluded together and created a forged Will and cheated the defacto complainant. He would further submit that with the regard to the same case is pending in O.S.Nos.574 and 172 of 2022 before the Court below and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that it is a case of civil dispute and that the suit is pending before the Court



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below, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6. 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 Judicial Magistrate No.I, Thirunelveli, Thirunelveli District, 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 learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police on receipt of summons.

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

[d] the petitioner 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 petitioner in accordance with

law as if the conditions have been imposed and the petitioner released on bail by the

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



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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/-
04/10/2023

/ TRUE COPY /

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.



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

+1 CC to M/s.M.PONNIAH, Advocate (SR-14605[I] dated 04/10/2023)

+1 CC to M/s.T.ANTONY ARULRAJ, Advocate (SR-14608[I] dated 04/10/2023)

ORDER
IN
CRL OP(MD) No.16437 of 2023
Date :04/10/2023

PKP/VRS/SAR- /10.10.2023/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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