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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16505 of 2023

1.Amsarani
2.Gurusamy

... Petitioners / Accused Nos.1 and 2

Vs

1.State represented by
The Inspector of Police,
Palanichettypatti Police Station,
Theni District.
Crime No.397 of 2023.

2.Seenivasagam
(R2 is suo motu impleaded
vide Court order dated 12.09.2023)

... Respondents / Complainants

For Petitioners : M/s.M.Prabu, Advocate

For Respondent 1 : Mr.R.SureshKumar
Government Advocate (Crl.Side)

For Respondent 2 : Mr.C.Jeganathan, Advocate

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



PRAYER :-

For Anticipatory Bail in Crime No.397 of 2023 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 34, 120(b), 447, 448, 380 and 506(i) of IPC in Crime No.397 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The allegation against the petitioner is that the original document dated 16.03.2005 and the settlement deed dated 29.06.2010 has been stolen by the petitioner from the defacto complainant's possession. What happened to the above said documents is not explained by the petitioner herein. On that account, the learned counsel for the petitioner seek time to get instructions. Over the said property issue, a suit also stated to be pending in O.S.No.201 of 2022 on the file of the District Munsif Court, Theni. Now it is pending for trial.

3.Learned counsel for the petitioner would submit that the petitioners are innocents, they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution.



4. The contention and the allegations that has been made by the defacto complainant, has been taken before the pending suit. Investigation may be undertaken with regard to missing of documents and the petitioner and the defacto complainant must be appear before the respondent and co-operate with them to complete the process of investigation.

5. Considering the facts and circumstances of this case and also the fact that the issue is between the brothers over title of the property, I find no reason to subject the petitioners to custodial interrogation.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



7. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
26/09/2023

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

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TO

1. The Judicial Magistrate, Theni.
 2. Do through the Chief Judicial Magistrate, Theni.
 3. The Inspector of Police, Palanichettypatti Police Station,
Theni District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.M.PRABU, Advocate (SR-14192[I] dated 26/09/2023)
- +1 CC to M/s.C.JEGANATHAN, Advocate (SR-14364[I] dated 29/09/2023)



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ORDER
IN
CRL OP(MD) No.16505 of 2023
Date :26/09/2023

SSA/DD/12.10.2023/5P/7C

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