



CRL OP(MD) No.787 of 2024

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

Thursday, the Eighteenth day of January Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.787 of 2024

1 V.GUNASEKARAN
2 SURESH KUMAR
3 BHARAKATH

... PETITIONERS/ ACCUSED NO.1, 2 & 5

Vs

1 THE SUB INSPECTOR OF POLICE
THIRUKATTUPALLI POLICE STATION,
THANJAVUR.
CRIME NO.19/2024.

2 MUNIYARAJ

... RESPONDENTS/DEFACTO COMPLAINANTS

For Petitioner	:	M/S.A.HAJA MOHIDEEN, Advocate
For Respondent-1	:	MR.P.KOTTAICHAMY, Govt.Advocate (Crl. Side)
For Respondent-2	:	MR.S.SELVA KUMAR, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 19 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for
the alleged offence under Sections 420, 465, 468, 471 of IPC, in Crime No.19 of 2024,
seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner and the defacto
complainant are the grand sons of one Thillaiyammal. The disputed property is

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belongs to the said Thillaiyammal and without her knowledge, the petitioners No.1 and 2 created a forged document No.1427 of 2022, dated 07.12.2022 in Thirukattupatti Sub Registrar Office, with help of Varakur VAO namely Jeyaseelan. Thereafter, the said forged document was cancelled on 05.09.2023. Further, the first petitioner without consent of said Thillaiyammal and her legal heirs, got agricultural electricity connection in his name. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The petitioner No.1 and the defacto complainant are grand son of said Thillaiyammal and in respect of the disputed property, the second respondent filed a suit in O.S.No.72 of 2019 on the file of the District Munsif Court, Thiruvaiyaru. Further, it is alleged that the said Thillaiyammal orally gifted the said property to the Arulmigu Sundaramoorthy Madam. Further, the defacto complainant has no right over the said property. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned counsel for the defacto complainant would submit that though the defacto complainant have no right over the said property, the defacto complainant's grand mother orally gifted the said property to the Arulmigu Sundaramoorthy Madam. Subsequent to that, the petitioners No.1 and 2 have created



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a forged document in respect of the said property with help of Varakur VAO namely Jeyaseelan and they indulged in criminal offences. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the first petitioner and the defacto complainant are grand sons of one Thillaiyammal and it is purely civil dispute between the parties and apart from that, the civil suit is pending before the competent civil Court, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they are is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thiruvaiyaru, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;



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(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent Police as and when required for interrogation,;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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]; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/01/2024

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/01/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

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1 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUB INSPECTOR OF POLICE, THIRUKATTUPALLI POLICE STATION,
THANJAVUR.

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

+1 CC TO MR.A.HAJA MOHIDEEN, Advocate SR.No.1602[F] dated 18/01/2024

ORDER

IN

CRL OP(MD) No.787 of 2024

Date :18/01/2024

RS/JGB/SAR-(29.01.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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