



CRL OP(MD) No.846 of 2024

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

Tuesday, the Twenty Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.846 of 2024

1 DHIVYANATHAN

2 EMALDAMERY

... PETITIONER/ ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE
UDAYALIPATTI POLICE STATION,
PUDUKOTTAI DISTRICT.
CRIME NO.135/2023.

... RESPONDENT/COMPLAINANT

For Petitioner : MR.KAMESH N Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.135/2023 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



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the alleged offence under Sections 255, 471 and 420 IPC in Crime No.135 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are the relatives and without the knowledge of the defacto complainant, the first petitioner has created fake Legal Heir Certificate and changed the document in favour of his wife's name, who is the second petitioner herein, in respect of the property in Old S.F.No.575/3B, New SF.No.575/5 belonging to the mother of the defacto complainant's father-in-law. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that during the pendency of this petition, the defacto complainant has made a complaint under Section 77A of the Registration Act before the District Registrar, Pudukottai for cancellation of the said document, pursuant to which, the document was cancelled on 26.07.2023. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent

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



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Police would submit that the investigation is yet to be completed.

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5. Considering the facts and circumstances of the case and the subsequent developments, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Keeranur, 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;

(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;



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(c)the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required;

(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/-
23/01/2024

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

ssb



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- To
- 1.THE JUDICIAL MAGISTRATE, KEERANUR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
 3. THE INSPECTOR OF POLICE,
UDAYALIPATTI POLICE STATION,
PUDUKOTTAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 cc to MR.N.KAMESH, Advocate SR-1099

ORDER
IN
CRL OP(MD) No.846 of 2024
Date :23/01/2024

RK/JGB (29/01/2024) 5P /6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023