



CRL OP(MD) No.2388 of 2024

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

Thursday, the Fifteenth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 MUTHURAJA

2 VIJAYALAKSHMI

3 K.SHANMUGATHAI

4 RAJA KARTHICK

... PETITIONERS / ACCUSED 1,3,5 & 6

Vs

THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI DISTRICT.
CRIME NO 2 OF 2024

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.ANAND R. Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (CrI. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.2 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE



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ORDER: The Court Made the following order :-

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The petitioners/A1, A3, A5 & A6, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 465, 467 and 468 of IPC in Crime No.2 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property and he obtained a property by way of Will from his father-in-law. Subsequently, A1 to A4, who is the brother-in-law of the defacto complainant executed a sale deed in favour of A5 by creating the forged documents. In which, A6 & A7 stood as witnesses. Hence, the defacto complainant lodged a complaint before the Law Enforcing Authority.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that originally, the property was owned by one Perumal. He has 4 sons namely, A1 to A4. A1 to A4 inherited the property and thereafter, they executed a sale deed in favour of A5. He is none other than the close relative of the defacto complainant. A6 & A7 stood as witnesses. There is no criminal conspiracy. It is purely a civil dispute in between the family members. Accordingly, he prays for grant of anticipatory bail to the

petitioners

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



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4.The learned counsel appearing for the defacto complainant would submit that the defacto complainant is the son-in-law of the Perumal. A1 to A4 are the brother-in-law of the defacto complainant. They have very well known the Will already executed by their father in favour of the defacto complainant. However, they intentionally, created a sale deed in favour of A5 and A6 & A7 stood as witnesses. When the parent document is in the hands of the defacto complainant, suppressing the same, they obtained non-traceable certificate is not sustainable one. Hence, he vehemently, opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that the investigation is still pending.

6. Considering the facts and circumstances of the case and also considering the fact that there is civil dispute between the legal heirs of Perumal, it has to be ventilated only before the competent civil Court, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 Judicial Magistrate No.I, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) common surety for a like



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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;

(c) the petitioners 1 & 4 shall report before the respondent police daily at 10.30 a.m until further orders and the petitioners 2 & 3 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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-
15/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO
1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.R.ANAND, Advocate (SR-2000[I] dated 16/02/2024)

ORDER IN
CRL OP(MD) No.2388 of 2024
Date :15/02/2024

SA/VR/SAR. /20.02.2024/5P/6C

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