



CRL OP(MD) No.2725 of 2024

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

Wednesday, the Twenty First day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2725 of 2024

1 MURUGESAN

2 KAVITHA

... PETITIONERS/ ACCUSED No.1&2

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT.
IN CRIME NO.17/2023,

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.R.MAHESWARAN, Advocate
for M/S.ASOK ADHITHYAN.G.S 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.17/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the



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respondent police for the alleged offence under Sections 420, 467, 468 and 471 of IPC
in Cr.No.17 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the property was owned by one Mookan Muthiriyar. The said Mookan Muthiriyar executed a Will in favour of one Muthusamy, who is the father of the first petitioner and his brother Shanmugam. The said Shanmugam died intestate without any legal heir. The first petitioner is the class II legal heir and in order to inherit the property, the first petitioner filed O.S.No.114 of 2022 before the District Munsif Court, Kuzhithalai and the same was decreed in his favour. Hence, the petitioner became the absolute owner of the entire property and he executed a settlement deed in favour of his daughter/second petitioner. Aggrieved by the same, the first petitioner's daughter-in-law made a complaint before the respondent police.

3.The learned counsel for the petitioners would submit that the first petitioner has two children, namely, the second petitioner and one Ramesh, who is the husband of the defacto complainant. The allegation against the petitioners is that the first petitioner and his daughter have not provided any share to the defacto complainant and the entire share was settled in favour of the second petitioner. Aggrieved by the



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same, the present complaint is filed. However, it is purely a civil dispute between the family members and the same has to be ventilated only before the Civil Court. Therefore, the filing of the present complaint before the respondent police is not sustainable one. Hence, he prays for grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that it is purely a civil dispute and the investigation is pending. However, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that it appears to be a civil dispute between the family members, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioners 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 No.II, Kuzhithalai, 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



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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 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;



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

sd/-
21/02/2024

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/02/2024

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

SJI

TO

1.THE JUDICIAL MAGISTRATE NO.II, KUZHITHALAI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR.

3.THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR DISTRICT.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-2272[I] dated 22/02/2024)

ORDER
IN

CRL OP(MD) No.2725 of 2024

Date :21/02/2024

RK/VR(27/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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