



CRL OP(MD) No.2749 of 2024

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

Monday, the Twenty Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2749 of 2024

M.AMARNATH

... PETITIONER / ACCUSED 4

Vs

THE INSPECTOR OF POLICE
DCB-II,
THENI DISTRICT.
CRIME NO.3 OF 2024.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.EZHILARASU, Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (CrI. Side)

For Intervenor : Mr.A.R.KANNAPPAN, Advocate

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.3 OF 2024 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 417, 420, 120(b), 465, 468 and 471 of IPC,
in Crime No.3 of 2024, on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that A1 to A4 fabricated the legal heirs certificate issued by the Tahsildar in 2012. The first accused made a settlement deed to his wife namely, Santha on 04.10.2023 on the strength of the forged legal heirs certificate and hence, A1 to A4 had tried to sold out the defacto complainant's ancestral property. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is an attesting witness. A1 is the owner of the property and the property was inherited by his father and his father is none other than the brother of the defacto complainant and he executed a settlement deed in favour of his wife. Instead of filing the partnership deed before the trial Court, the defacto complainant with the influence of the respondent police and the respondent police registered a case against the petitioner, which is not sustainable one. He would further submit that on earlier occasion, the Sub-Inspector of Police advised the parties to approach the civil Court for an appropriate remedy. However, the present Sub-Inspector of Police registered a case with an ulterior motive, which is not sustainable one. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned counsel for the intervenor would that the defacto complainant is the daughter of one Alagumalai Pillai. The said Alagumalai Pillai had four daughters and one son. A1 is the son of the defacto complainant's brother and without



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knowledge of the defacto complainant and other female legal heirs, the male legal heir executed a settlement deed in favour of his wife, which is not sustainable one. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. side) submitted that investigation is pending. However, he strongly opposed to grant anticipatory bail to the petitioner.

6.It is seen from the records that A1's grand father is the owner of the property and thereafter, the property was inherited by his father and instead of filing the partition suit at the relevant point of time, one of the female legal heirs approached the respondent police, for which, the respondent police registered a case against the petitioner and A1 to A3 and arrested A1 to A3 and remanded them in judicial custody, which is not sustainable one.

7.Considering the above facts and circumstances of the case and also considering the fact that it appears to be a civil dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two



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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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation;

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

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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



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5560]; and;
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(g)if the accused thereafter abscond, a fresh FIR can be registered
under Section 229-A IPC.

(*)Deleted

sd/-
26/02/2024

(*)Deleted as per Order of this Hon'ble
Court dt.14/03/2024 in CrI.OP(MD).
2749/2024.

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI
TO
TO BE SUBSTITUTED WITH THE ORDER DT.26/02/2024 ALREADY
DESPATCHED
1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE
DCB-II,
THENI DISTRICT.

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

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



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THE SUPERINTENDENT OF POLICE,
THENI DISTRICT.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-2350[I] dated 26/02/2024)

ORDER IN
CRL OP(MD) No.2749 of 2024
Date :26/02/2024

SA/GS/SAR. /01.03.2024/6P/7C
INDU

SA/GS/SAR. /21.03.2024/6P/7C

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