



CRL OP(MD) No.3485 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 BALASUBRAMANIAN
2 SANTHANAKRISHNAN

... PETITIONERS/ACCUSED NOS.1 & 2

Vs

THE INSPECTOR OF POLICE
MEDICAL COLLEGE POLICE STATION,
THANJAVUR.
CRIME NO. 36 OF 2024

... RESPONDENT/COMPLAINANT

For Petitioners : MR.T.LAJAPATHY ROY, Senior Counsel
for MR.S.RAJASEKAR Advocate
For Respondent : MR.P.KOTTAICHAMY, Government Advocate (Crl.Side)
For Intervenor : MR.M.P.SENTHIL, Advocate

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.36 OF 2024 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
respondent police for the alleged offence under Sections 406, 417, 420, 467, 468 and
120B of IPC, in Crime No.36 of 2024, on the file of the respondent police, seek



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anticipatory bail.

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2.The case of the prosecution is that the first petitioner is running a trust in the name and style of Sri Ragava Janaki Ammal Educational Trust. The said Sri Ragava Janaki Ammal is none other than the father and mother of the first petitioner. The de-facto complainant is the second wife of A1 and mother of A2 and the first wife's daughter, namely, Shanthi was included in the trust, in which, the defacto complainant aggrieved and lodged a complaint against the petitioners before the respondent police alleging that her signature was forged in the resolution while including the first wife's daughter. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and it is purely a family dispute between the family members and a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the intervenor vehemently opposed to grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. side) submitted that the second wife made a complaint as if the petitioners forged the signature of the second wife while including the first wife's daughter as a trustee member and the investigation is almost completed. Hence, he strongly opposed to grant anticipatory bail to the petitioners.



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

7. 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.2, Thanjavur District, 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;

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



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(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/03/2024

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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

1 THE JUDICIAL MAGISTRATE NO.2, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE, MEDICAL COLLEGE POLICE STATION,
THANJAVUR.



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

+1 CC to M/s.S.RAJASEKAR, Advocate (SR-2801[I] dated 06/03/2024)

ORDER IN
CRL OP(MD) No.3485 of 2024
Date :05/03/2024

RS/VR/SAR-(08.03.2024) 5P 6C

Madurai Bench of Madras High Court is issuing
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