



CRL OP(MD) No.4463 of 2024

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

Thursday, the Twenty First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 MUTHU

2 CHIDAMBARAM ... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
MADURAI CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.
CRIME NO.22/2023.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MAHESHRAJA.K.K Advocate

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

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.22/2023 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
the alleged offence under Sections 419, 420, 465, 467, 468, 471 of I.P.C, in Crime No.22



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of 2023 on the file of the respondent Police, seek anticipatory bail.

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2. The case of the prosecution is that the defacto complainant, the first petitioner and six others are the children of the second petitioner. A property in Survey No.453/51 of Kovilankulam village to an extent of 0.71 ares equal to 1 $\frac{3}{4}$ cents originally belongs to one Angammal who is the mother of the second petitioner. The said Angammal had 8 children and the said 1 $\frac{3}{4}$ cents has to be divided among the eight children and hence the second petitioner is entitled to 19 sq.ft. Without dividing the above, the third petitioner had executed a settlement deed in favour of the first petitioner for the entire 1 $\frac{3}{4}$ cents through a registered settlement deed vide Doc.No.1279 of 2016 dated 02.08.2016. The execution was made by the third petitioner by impersonating the deceased Angammal. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Further, it is purely a family dispute between the parties. Further, the co-accused were granted anticipatory bail by this Court. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the disputed document was cancelled by the first accused. Hence, he opposed to grant anticipatory bail to the petitioners.



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5. Considering the facts and circumstances of the case and also considering the fact that the disputed document was cancelled by the main accused and the co-accused were granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and he is 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.I, Madurai, Madurai 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 daily at 10.30 a.m.,



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for the period of two weeks and thereafter, he shall appear before the respondent

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Police 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/-
21/03/2024

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/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU
TO
1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI, MADURAI DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
MADURAI CRIME BRANCH POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.K.K.MAHESH RAJA, Advocate (SR-3666[I] dated 25/03/2024)

ORDER
IN
CRL OP(MD) No.4463 of 2024
Date :21/03/2024

SA/GS/SAR. /10.04.2024/5P/6C

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