



CRL OP(MD) No.23038 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23038 of 2023

1 KRISHNAN

2 MANGAYARKARASI

... PETITIONER/ACCUSED NO.1 & 2

Vs

THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
(CRIME NO.452/2023).

... RESPONDENT/COMPLAINANT

MARIAMMAL

... INTERVENE PETITIONER/DEFACTO COMPLAINANT
IN CRL MP(MD).218/2024 IN CRL OP(MD).23038/2023

For Petitioners : MR.R.ANAND, Advocate

For Respondent : MR.P.KOTTAICHAMY, Government Advocate (Crl.Side)

For Intervener : MR.A.RAJIV RUFUS, Advocate

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.452/2023 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-



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The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 420, 468 and 471 of IPC, in Crime No.452 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner is the brother of the defacto complainant and the second petitioner is the wife of the first petitioner. In order to grab the family properties, the petitioners forged the signature and fingerprint of the defacto complainant. 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 as per the undertaking given by the petitioners dated 19.01.2024, this Court issue a direction to the the Sub Registrar, Puliangudi, Tenkasi District to cancel the Relinquishment Deed in Doc.No.554/2005 and the same was cancelled by the Sub Registrar, Puliangudi, Tenkasi District. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the disputed Relinquishment Deed in Doc.No.554/2005 was cancelled by the Sub Registrar, Puliangudi, Tenkasi District. Hence, this Court may consider this petition.



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5. The learned counsel for the defacto complainant has not disputed the said

fact.

6. Considering the facts and circumstances of the case and also considering the fact that the disputed document was cancelled by the Sub Registrar, Puliangudi, Tenkasi District, 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 learned Judicial Magistrate, Sivagiri, Tenkasi 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;



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required;

(c) the petitioners shall report before the respondent 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/-
05/02/2024

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/02/2024

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

TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI, TENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.



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3 THE INSPECTOR OF POLICE, PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.

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

COPY TO

THE SUB REGISTRAR, PULIANGUDI, TENKASI DISTRICT.

+1 CC to M/s.R.ANAND, Advocate (SR-1476[I] dated 06/02/2024)

+1 CC to M/s.V.RAJIV RUFUS, Advocate (SR-1571[I] dated 07/02/2024)

ORDER IN
CRL OP(MD) No.23038 of 2023
Date :05/02/2024

RS/GS/SAR-(12.02.2024) 5P 8C

Madurai Bench of Madras High Court is issuing
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