



CRL OP(MD) No.23550 of 2023

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

Monday, the Twenty Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23550 of 2023

1 A.KANTHIAH

2 A.SURESH

3 A.RAMAIAH

... PETITIONER/ ACCUSED 2 TO 4

Vs

THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI CITY.
CRIME NO.29/2023.

... RESPONDENT(S) / COMPLAINANT(S)

For Petitioner : M/S.ANAND.R 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.29/2023 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 465, 467, 468, 471 and 420 of IPC in Crime No.29 of



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2023, seek anticipatory bail.

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2.The case of the prosecution is that the property in survey No.573, Plot No.37, Ram Nagar, Palayamkottai Taluk, Tirunelveli District was originally purchased by the defacto complainant vide document No.1105/1985, dated 12.04.1985 from one L.K.S.M.Mohamed Javidhu. When thus being so, the first accused, who is none other than the elder brother of the defacto complainant, claiming that the said property is belonged to him, executed a settlement deed in favour of the accused No.2, who is son of the accused No.1, in which A3 and A4 stood as witnesses. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant are relatives. There is a civil dispute pending between the parties. Though the settlement deed was executed in the year 2006 in favour of the second accused, in which A3 and A4 stood as witnesses vide document No.6923/2006, dated 13.12.2006, whereas the complaint was filed only in the year 2023, after lapse of more than three decades, which is not sustainable. However, the learned counsel for the petitioners, on instruction, submitted that during the pendency of the litigation, either the first accused or the second accused shall not encumber the property. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that investigation in



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this case is pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5. The facts in the present case are not disputed. Admittedly, the disputed property was settled by the first accused in favour of the second accused in the year 2006. However, the complaint was filed only in the year 2023. Therefore, considering the facts and circumstances of the case and also considering the fact that it appears to be a civil dispute between the parties, 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.I, Tirunelveli, 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;



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(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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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;

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

sd/-

22/01/2024

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/01/2024

Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



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CP

TO

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1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI CITY.

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

+1 CC to M/s.R.ANAND, Advocate (SR-934[I] dated 23/01/2024)

ORDER

IN

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Date :22/01/2024

SA/VR/SAR. /30.01.2024/5P/6C

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