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CRL OP NO. 5021 of 202



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5021 of 2025

M.Savithri

petitioner/A2

Vs

State Rep By, The Inspector Of Police,
District Crime Branch, Coimbatore.

(crime No 19 of 2023)

Respondent(s)

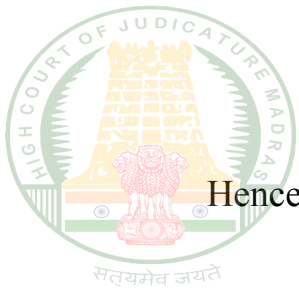
For petitioner(s): Mr.Myilsam

For Respondent(s): Mr.SSanthosh, Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 467, 468, 471 and 420 of IPC and Sections 82(c) and 83 of the Registration Act, 1908 in Crime No. 19 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner's husband one Muthusamy had executed bogus settlement deed registered in No. 5533/1984 in his favour; that thereafter, he had settled the property in favour of the petitioner, his wife, by virtue of settlement deed No.2074/2024; that the property belongs to the de facto complainant.



Hence, the complaint..

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3. The learned counsel for the petitioner submitted that the petitioner is innocent; that she has been falsely implicated in this case, that the de facto complainant has no right over the said property; that the de facto complainant and others had filed a partition suit in O.S.No.789 of 2011 without impleading the petitioner or her husband; and that the instant complaint which was registered by the Registration authorities on the instigation of the de facto complaint cannot be sustained as there are several cases pending between the petitioner and de facto complainant; that the petitioner had filed W.P.No.24830 of 2024 and this Court by order dated 02.09.2024 had granted interim stay.

4. The learned counsel for the de facto complainant vehemently opposed the grant of anticipatory bail to the petitioner and submitted that the petitioner's husband had falsely transferred the properties in favour of the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that a civil suit and a writ petition is pending between the parties and that the



complainant was registered on the information given by the District Registrar, Coimbatore.

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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

7. Considering the nature of allegation, the fact that there is a civil suit pending between the parties; that the petitioner's husband is no more and since custodial interrogation of the petitioner is not required for further investigation, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions”

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Annur** on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[b] the petitioner shall report before the respondent police every day at 10:30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

25.02.2025

vca

To
The Inspector Of Police,
District Crime Branch, Coimbatore.

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