



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

Friday, the Thirtieth day of January Two Thousand Fifteen
PRESENT

The Hon`ble Mr.Justice P.N.PRAKASH

CRL OP (MD) No.1606 of 2015

WEB COPY

1 ARJUNAN
2 RAMA KRISHNAN

... PETITIONERS/ACCUSED NO.1 AND 2

Vs

STATE.REP.BY
THE INSPECTOR OF POLICE
PALAYANOR POLICE STATION,
SIVAGANGAI DT,
CRIME NO.8/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.ALAGUMANI Advocate

For Respondent : MR.C.RAMESH, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 471, 469, 468, 467, 406 and 506(ii) IPC in Crime No.8 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

3. This case has been registered pursuant to the direction issued by this Court under Section 482 Cr.P.C. in Crl.O.P.(MD) No.19823 of 2014. It is the case of the defacto complainant that these petitioners herein are his cousins and that the land in question is their ancestral land. It is alleged by the defacto complainant that these petitioners have changed the patta of the land in their names and have created encumbrance.

4. Learned counsel for the petitioners brought to my notice that the same defacto complainant by name Krishnan and his branch of heirs lodged a complaint for the same cause of action before the Sub Inspector of Police, Palayanoor Police Station and enquiry appears to have been conducted by the SI of Police in which the petitioners herein produced necessary records to the complainants therein. Thereafter, the complainants agreed that they will settle the matter by filing appropriation application before the revenue authorities and through Civil Court. On that understanding, the said complaint was closed on 24.08.2014. Thereafter, again a fresh complaint has been given and this FIR has been registered on 18.01.2015.

5. Under such circumstances, I am inclined to grant anticipatory bail to the petitioners. Accordingly, 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, Manamadurai, on condition that each of 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 learned Magistrate concerned and on further condition that:

[a] the petitioners 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.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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]**.

sd/-
30/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, MANAMADURAI.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE
PALAYANOOR POLICE STATION, SIVAGANGAI DT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ALAGUMANI Advocate SR.No.4691

ORDER
IN
CRL OP(MD) No.1606 of 2015
Date :30/01/2015

PA/03.02.15/2P/6C