



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

Thursday, the Twenty Ninth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23061 of 2014

V.NAGALINGAM PILLAI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
KANYAKUMARI DIST, NAGERCOIL,
CR.NO.80/2013

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.CHRISTOPHER 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 420 IPC in Crime No.80 of 2013 on the file of the respondent police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the State.

3.On 20.01.2015, this Court passed the following order:

"It is the case of the de facto complainant that this petitioner herein approached him and represented to him that he would sell his land Rs.11 Lakhs and accordingly collected the sum from him on 17.01.2013. Thereafter, the de facto complainant came to be note that the land in question belongs to temple. When he approached the petitioner, the petitioner did not give proper replies and was evasive. Hence, the de facto complainant has lodged the present complaint in which this case has been registered.

The learned counsel for the petitioner would submit that this petitioner filed Crl.M.P.No.3609/14 before the District Judge, Kanyakumari for anticipatory bail in this case and the de facto complainant filed an intervening petition, in which he has stated that he has paid the sum of Rs.11 Lakhs as a loan to the petitioner and has not whispered anything about the sale transaction therein. Therefore the learned counsel for the petitioner submits that the de facto complainant is taking a conflicting stand.

<https://hcservices.ecourts.gov.in/hcservices/>

The learned counsel for the petitioner across the bar produced a photocopy of the affidavit said to have been filed



by the de facto complainant before the District Court, Kanyakumari District in Cr.M.P.No.36009/14.

The Police is directed to verify the genuineness of this affidavit and report to this Court.

The Registry is directed to contact the District Judge, Kanyakumari immediately and call for the entire records in Cr.M.P.No.3609/2014 at the earliest.

Post for orders on 29.01.2015".

WEB COPY

4.This Court called for the records in Cr.M.P.No.3609 of 2014 from the District Court, Kanyakumari District at Nagercoil and found that the de facto complainant has filed an intervening petition, in which, he has sworn to an affidavit and in that affidavit, he has given a totally different version of the incident. Under the said circumstances, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Nagercoil 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10:30 for a period of two weeks and thereafter as and when required for interrogation.

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

[c] the petitioner 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 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].

sd/-
29/01/2015

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.1,NAGERCOIL.
- 2.DO THRO THE CHIEF JUDICIAL MAGISTRATE KANYAKUMARI AT NAGARCOIL.
- 3.THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
4. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,K ANYAKUMARI DIST, NAGERCOIL.
- +1. CC to M/S.C.CHRISTOPHER Advocate SR.No.4127

ORDER
IN
CRL OP(MD) No.23061 of 2014
Date :29/01/2015