



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Thirteenth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.277 of 2015

SURESH

..PETITIONER/ACCUSED No.1

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
MUNNIRPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.346/2014)

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

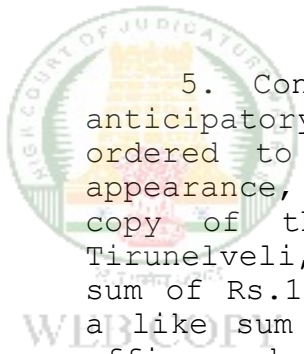
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 468, 471 and 420 IPC in Crime No.346 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. On 09.01.2015 this Court directed the learned counsel for the petitioner to file an affidavit narrating the fact that after the complaint was lodged, the petitioner appeared before Police and gave an undertaking that he will rectify the mistake and cancel the sale deed and rectification has already been done on 02.12.2014 vide Doc.No.7347 of 2014. As per the direction of this Court, the learned counsel for the petitioner has filed an affidavit. In paragraph No.4 it is stated as follows:

"Even before the registration of this FIR our consistent stand is that we had mistakenly mentioned the above said disputed survey numbers in our sale deeds. I have sold 3.65 acres to A2 to A4 in the year 1997 comprising survey numbers out of which the said 3 survey numbers were mistakenly mentioned and only because of that we had never disturbed their possession and till date the prosecution parties are in possession and enjoyment in the said disputed survey numbers and now that we had also given a release deed in favour of the prosecution party and admittedly now they are the title holder as well as in possession of the said property and the latest EC dated 10.12.2014 also only reflect the prosecution party name and therefore they do not have any grievance as on date".

3. The learned counsel has also filed a copy of the release deed dated 02.12.2014 registered as Document No.7347 of 2014.

4. Heard learned Additional Government Pleader on the said



5. Considering the above stated facts, 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.V, Tirunelveli,, 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 the respondent police daily at 10.00 a.m 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/-
13/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

4 THE INSPECTOR OF POLICE, MUNNIRPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.1921

ORDER IN

CRL OP(MD) No.277 of 2015

Date :13/01/2015

PBK 19/01/2015 ::2P-6C: