



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

Monday, the Twenty Ninth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.15255 of 2016

NATARAJAN @ NATARAJAPILLAI

... PETITIONER / ACCUSED
Rank not known

Vs

STATE REP BY
THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.297/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.J.KARTHICK Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468, 471, 406 and 420 of IPC, in Crime No.297 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the property in question was purchased by the grand-mother of the defacto complainant on 23.11.1953. She was in possession and enjoyment of the same. After her death, her legal heirs orally partitioned the property allotted to the defacto complainant's father Kasipandian and his paternal uncle Chellaiah. After their death on 09.04.1987 and 01.01.2003 respectively, the defacto complainant and other legal heirs are in possession and enjoyment of the property. While so, the defacto complainant came to know that A1 & A2 fabricated the document on 08.12.1971 and dealt with the property and number of transaction taken place from the year 1971. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is arrayed as A3. The property in question is his ancestral property. Their family were in possession for decades together. On 08.02.1993 he sold the property and he is innocent person and he has not committed any offence as alleged by the prosecution and prays for anticipatory bail in favour of the petitioner.



4.The learned Government Advocate (Crl.Side) submitted that on complaint, case has been registered and the investigation is pending. The co-accused was already granted anticipatory bail by this Court in Crl.O.P(MD)No.14655 of 2016, dated 22.08.2016.

5.Considering the facts and circumstances of the case and also considering the fact that the transaction taken place from the year 1971 and contention of the learned counsel for the petitioner that the petitioner sold the property on 08.12.1993, custodial interrogation of the petitioner is not necessary. In the circumstances, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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, Tenkasi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police as and when required for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(iv) 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]**.

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
29/08/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THENKASI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.R.J.KARTHICK Advocate SR.No.48376

ORDER

IN

CRL OP(MD) No.15255 of 2016

Date :29/08/2016

SMA/SS-2/SAR-I/09/09/2016 :3P/6C