



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

Monday, the Nineteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.1822 of 2018

SUBRAMANIAN,

... PETITIONER/ACCUSED NO.2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

(CRIME NO.504 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.SENTHIL KUMAR Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government 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 no.2, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 468, 406 and 420 of IPC, in Crime No.504 of 2015, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have cheated the defacto complainant by way of creating forged documents pertaining to the S.Nos.260/6, 260/7 and 261/1A. Hence, the defacto complainant has lodged a complaint as against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) would submit that the co-accused was already granted anticipatory bail in Crl.O.P(MD).No.7742 of 2017, dated 27.06.2017 and the investigation is not yet completed.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner being the second accused in this case made conspiracy with A1 to sell the land in question in favour of the defacto complainant after creating forged document. As of now, portion of the investigation is completed and the first accused in this case was granted anticipatory bail by this Court in CrI.O.P(MD).No.7742 of 2017, dated 27.06.2017. For the reasons stated above, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court inclined to grant anticipatory bail to the petitioner.

6. 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, Melur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each 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, daily at 10.00 a.m. until further orders;

(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 anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-
19/02/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE, MELUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION, MADURAI DISTRICT.

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

+1. CC to M/S.R.SENTHIL KUMAR Advocate SR.No.2694

GJM/RR/SAR-3-26.2.18-3P-6C

ORDER

IN

CRL OP (MD) No.1822 of 2018

Date :19/02/2018