



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

Tuesday, the Thirteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2194 of 2018

PONNUSAMY

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THARUVAIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.7 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.VANCHINATHAN, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

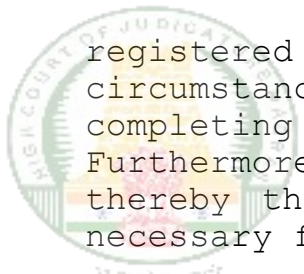
The petitioner, who is arrayed as accused No.2, apprehending arrest at the hands of the respondent police for the offence punishable under Section 420, 469 & 471 of IPC, in Crime No.7 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that in the year of 2008, the accused No.1 and 3 created a forged general power of attorney in the name of accused No.1 in respect of the defacto complainant's property and sold the same to one Ponnusamy and from him this petitioner has purchased the same. Hence, the defacto complainant lodged the complaint before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence in the year 2008, the petitioner herein purchased the disputed property from one Ponnusamy. Hence, the defacto complainant lodged the complaint against this petitioner and other two persons by stating that in the year 2008 one Esakkimuthu/accused No.1 and Sakkammal/accused No.2 created a forged document, which was



registered in document No.320/2008. So, considering the facts and circumstances of this case, the evidences which are necessary for completing investigation are all available in the form of documents. Furthermore, the alleged offence was happened in the year 2008, thereby the custodial interrogation of the petitioner may not be necessary for completing investigation.

6. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, he 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, Vilathikulam, 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/-

13/02/2018

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

TO

1. THE JUDICIAL MAGISTRATE, VILATHIKULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
THARUVAIKULAM POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.VANCHINATHAN Advocate SR.No.2365

ORDER IN

CRL OP(MD) No.2194 of 2018

Date :13/02/2018