



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2760 of 2018

BALAGANGADHARAN

... PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.11 OF 2018

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.T.RAMESH RAJA, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences under Sections 420, 466, 409, 468, 471 and 506(i) I.P.C., in Crime No.11 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's mother purchased 3 cents of land in Survey No.797/2 of Kadiyapattinam Village vide document No.1280 of 1999, dated 12.10.1999 from one John Baranaboss. The said John Baranaboss has received power from the petitioner herein. Thereafter, the petitioner herein sold out the very same property to the third accused in this case. The defacto complainant further submitted that the petitioner and other accused persons have committed the crime. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, further added that he has not involved in the alleged occurrence. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the State submitted that investigation is still pending.

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

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of



occurrence, the petitioner herein sold out the property to the third accused in this case, which belongs to the defacto complainant. According to the petitioner, the land in question was purchased by the mother of the defacto complainant in the year 1999 and subsequently she was died in the year 2011. Further, he added that the survey number with regard to the allegation levelled by the defacto complainant and the survey number mentioned in the document are entirely different. Accordingly, he prays for allow this application. On go through the documents, it reveals that the execution of the sale and other particulars are entirely different. Apart from that, in order to complete the investigation, the necessary documents are all available in the form of registered documents. So, considering the facts and circumstances of the case, custodial interrogation of the petitioner may not be necessary for completing the investigation. Therefore, for the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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, Eraniel, 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/-

22/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT

3 THE INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.P.T.RAMESH RAJA Advocate SR.No.2946

ORDER

IN

CRL OP(MD) No.2760 of 2018

Date :22/02/2018

PK/VC/SAR-4/28.02.2018 : 3P/6C