



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

Thursday, the Twenty Second day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2782 of 2018

K.MUTHAIAH

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
APPAINAICKANPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
IN CRIME NO. 20/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.M.ARUMUGAM, 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 / A1, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 465, 467, 468, 471, 427 & 506(ii) IPC in Crime No.20 of 2018, seeks anticipatory bail.

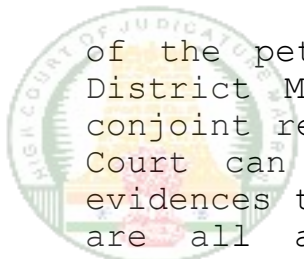
2.The case of the prosecution is that the petitioner along with other accused created a forged document and sold the property of the de facto complainant in favour of the second accused. Hence, the present case has been registered.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

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

5.The submissions made by the learned counsels appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner executed settlement deed in favour of his son for the land in Survey No.185/11 to the extent of 21 cents. As per the case of the prosecution, the land in question belongs to the father of the de facto complainant and the same was sold as early as in the year of 2013 in favour of the de facto complainant.

<https://hcservices.com.in/hcservices> The documents produced via., patta, gift deed, receipt are disclosed that the father of the petitioner was only holding the title of the property, which is now in dispute, for which, the son



of the petitioner filed a suit in O.S.No.12 of 2018 before the District Munsif Court, Sattur and the same is pending. So, on conjoint reading of the entire circumstances, it shows only a Civil Court can decide the title either this way or that way. The evidences to be collected for completing investigation in this case, are all available in the form of documents. So, custodial interrogation may not be necessary for completing the investigation.

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6. Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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.I, Sattur 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

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, SATTUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
APPAINAICKANPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.C.M.ARUMUGAM Advocate SR.No.2877

ORDER IN

CRL OP(MD) No.2782 of 2018

Date :22/02/2018