



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

Wednesday, the Thirty First day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.341 of 2018

M.GANDHI

... PETITIONER/1st ACCUSED

Vs

THE INSPECTOR OF POLICE,
THILAGAR THIDAL POLICE STATION,
MADURAI CITY,
IN CRIME NO.1038/2017

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.MADHAVA GOVINDAN, 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 :-

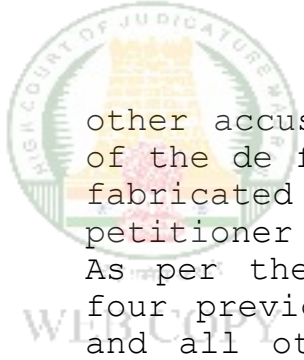
The petitioner / 1st Accused, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 420, 419, 467, 471, 472, 294(b) and 506(i) of I.P.C., in Crime No. 1038 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that on 01.11.2017, the petitioner along with other accused broke open the lock of the de facto complainant's house and entered into the house and when same was questioned by the de facto complainant, there was some wordy quarrel arose between them.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has been falsely implicated in this case, he has not committed any offence as alleged and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the investigation is not completed.

5.The submissions made by the learned counsel on either side are considered. It is alleged that the petitioner along with



other accused by creating bogus documents namely, death certificate of the de facto complainant's wife and legal heirship certificate, a fabricated sale agreement and committed the offence. This petitioner was implicated based on the confession given by his son. As per the case of prosecution, the petitioner herein are having four previous cases and the investigation is at the initial stage and all other accused were arrested and enlarged on bail in the above crime. Anticipatory bail petition filed by this petitioner in CrI.O.P.(MD)No.15175 of 2017 was dismissed by this Court on 13.11.2017. Subsequently there is no change in circumstances after the dismissal of the earlier anticipatory bail petition.

6.Taking the above said aspects into consideration and having regard to the nature of offence committed by the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner at this stage. Accordingly, this Criminal Original Petition is dismissed.

sd/-
31/01/2018

/ TRUE COPY /

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

TO

- 1 THE INSPECTOR OF POLICE,
THILAGAR THIDAL POLICE STATION,
MADURAI CITY.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.MADHAVA GOVINDAN Advocate SR.No.1660

ORDER
IN
CRL OP(MD) No.341 of 2018
Date :31/01/2018

PK/RR/SAR-2/06.02.2018 : 2P/4C