



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

Friday, the Ninth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3496 of 2018

MOHAN,

... PETITIONER/ ACCUSED NO.1

Vs

THE STATE, REP.BY
THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.79 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.S.RAVI, FOR M/S.J.ANANDKUMAR Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

For Intervener : MR.S.SARAVANAKUMAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioner is arrayed Accused No.1 in Crime No. 79 of 2018 on the file of respondent police, for the alleged offences under Sections 419, 448, 468 and 471 IPC, he has filed this application, seeking for grant of anticipatory bail.

2. The case of the prosecution is that due to a civil dispute between the petitioner and the defacto complainant, the petitioner had produced forgery documents before the authorities and obtained electric connection. Hence, the de-facto complainant had lodged a complaint against the petitioner for the above said offences.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he had not committed any offence as alleged by the prosecution. He would further submit that the petitioner was constrained to file a suit in O.S.No.185 of 2015, on the file of the learned District Munsif, Karaikudi, for the dispute was arose between them, he has been falsely implicated in this case.

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

4. The learned Government Advocate (Criminal side) appearing



for the respondent, on instructions, would submit that the petitioner is producing the Municipality tax receipts for plot No.664 and he has obtained electricity connection on his name. According to him, 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, the petitioner by using forged certificate obtained electric connection for the house situated plot No.664 located in Soodamani Nagar from Karaikudi Housing Board. Now, as per the documents submitted by the learned counsel appearing for the petitioner, it would appear that actually the disputed plot is originally allotted as to Victor Jebastian Baskaran and thereafter on 07.03.2007, he made representation to the society for changing allotment in favour of Umaiyal there by, the Registrar of the Societies allotted the said land in favour of Umaiyal on 13.03.2000 subsequent to the said allotment, on 20.08.2005, the said Umaiyal executed a sale deed in favour of the petitioner, for which, on 26.11.2009, the society also issued a certificate. Subsequently on 21.09.2015 the electricity connection is also transferred. On the other hand, the learned counsel for the intervenor represented that the representation given by the Victor Jebastian Baskaran, it is a fictitious one after creating focus documents the petitioner purchased the property through the sale deed which was an unregistered one, for which, a case has been registered. Now, the facts and circumstances shows that all the transaction made between the Umaiyal, the petitioner and one Victor Jebastian Baskaran are available in the form of written document. Since the case is registered for the offence under Sections 419, 448, 468 and 471 IPC, only after completing the investigation we have to know whether the petitioner is having dishonest intention or not, thereby the custodial interrogation may not be necessary for completing investigation. Therefore, 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 on which the order copy is made ready, before the learned Judicial Magistrate, Karaikudi, 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 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(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 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/-
09/03/2018

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

TO

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

+1. CC to M/S.J.ANANDKUMAR Advocate SR.No.3834

LS
GJM/MM/PN/SAR-3-15.3.18-2P-6C

ORDER
IN
CRL OP(MD) No.3496 of 2018
Date :09/03/2018