



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

Friday, the Sixteenth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4171 of 2018

PREM SWAROOP

... PETITIONER / ACCUSED No.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPUAM DISTRICT
(CRIME NO. 1 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.VENKATESAN Advocate

For Respondent : Mr.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/A3, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 420, 465, 467, 468 and 120B I.P.C., in Crime No.1 of 2018, seek anticipatory bail.

2.The case of the prosecution is that one Manish Kothary, who is the one of the Director of Internet Innovations India Private Limited, lodged a complaint, stating that first and second accused in this case created a forged document in respect of the land belongs to Company in Survey No.539/9 to an extent of 4 acres and sold out the same by way of registered sale deed to the petitioner herein. 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, further added that 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) appearing for the State submitted that investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioner being the third accused, had purchased the property from the first accused for a valuable consideration. On go through the averments made in the F.I.R., the allegations levelled only against the first accused by mentioning that he had sold the property owned by the company without getting any authorisation. According to prosecution, as of now, after due consideration, anticipatory bail was granted in favour of the first accused. So, considering the role played by the petitioner in the alleged occurrence, custodial interrogation of the petitioner may not be necessary for completing the investigation, hence, this Court is inclined to grant anticipatory bail to the petitioners. 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, Ramanathapuram, 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:

(ii) the petitioner shall report before the respondent police daily at 10.00 a.m. Until further orders.

(i) 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/-
16/03/2018

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



TO

1 THE JUDICIAL MAGISTRATE,
RAMANATHAPURAM

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT

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

+1. CC to M/S.P.VENKATESAN Advocate SR.No.4263

MSA

JAM/02/04/2018/ CM-VR / SAR 1 / 3P-6C

ORDER

IN

CRL OP(MD) No.4171 of 2018

Date :16/03/2018