



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

Thursday, the Twenty Second day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4363 of 2018

KRISHNAVELSAMY

... PETITIONER / ACCUSED No.3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
IN CR.NO.25 OF 2018,
TUTICORIN DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.SUBASH BABU 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 :-

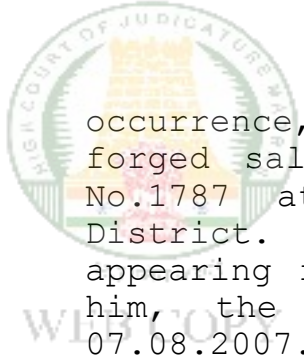
The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 468 and 471 IPC., in Crime No.25 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner created a forged document for the property in Survey No.509/3A in Patta No.1787 at Attrankarai Village, Vilathikulam Taluk, Tuticorin District, and cheated the defacto complainant. Hence, the present case has been registered against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence. He further submitted that the property in question was purchased by the petitioner in the year 2007 and a suit is pending before the Civil Court in this regard. Hence, he pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondents submitted that the investigation is still pending.

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



occurrence, the petitioner and other accused in this case created forged sale deed for the property in Survey No.509/3A in Patta No.1787 at Attrankarai Village, Vilathikulam Taluk, Tuticorin District. As per the submission made by the learned counsel appearing for the petitioner and as per the documents submitted by him, the said property was purchased by the petitioner on 07.08.2007. After arising the dispute, the petitioner filed a suit in O.S.No.2 of 2018 before the District Munsif Court, Vilathikulam on 28.01.2018 for the relief of declaration and the same is pending. Thereby, the defacto complainant raised a dispute after 10 years. Moreover, the evidence to be collected for completing the investigation in this case are all in the form of registered documents. So, custodial interrogation may not be necessary for completing the investigation. Hence, considering the above facts and circumstances, 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, Vilathikulam, 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., 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 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/-

22/03/2018

/ TRUE COPY /



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1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM, TUTICORIN DISTRICT

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT

3 THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.4766

PJL
JAM/03/04/2018/ RR / SAR 4/ 3P-6C

ORDER
IN
CRL OP(MD) No.4363 of 2018
Date :22/03/2018