



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

Tuesday, the Thirtieth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.808 of 2018

S.RAJENDRAN

... PETITIONER / ACCUSED NO.A3

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
THIRUPPUVANAM POLICE STATION,
(IN CR.NO. 8 OF 2018), THIRUPPUVANAM,
SIVAGANGAI DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.PRASANNA RAJADURAI for MR.S.MUTHALRAJ Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl.Side)

For Intervenor : MR.M.JEGADEESH PANDIAN Advocate

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 alleged offences under Sections 406, 420, 468, 417, 294(b), 506(ii) I.P.C., in Crime No.8 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the defacto complainant and one one Prabhu Ram/A1 have approached the petitioner in the month of March 2017 for registering a sale deed pertaining to the property from one Soundara Pandiyan, who is the power of attorney Dr.Anitha. After purchasing the above property, there was a dispute between the defacto complainant and Prabhuram. As a result of which, the defacto complainant lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is only licensed Document Writer and its Number B941/MDR/91 and he is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned counsel appearing for the intervenor/defacto complainant submitted that he is a retired employee, after made



false faith that the above property having the high value and registered the part of the property in the petitioner's name using the defacto complainant's money. Hence, the intervenor opposed for anticipatory bail.

5. The learned Government Advocate (Crl.side) appearing for the respondent police submitted that totally there are three accused in this case. A1 was already arrested and released on bail and A2 was getting anticipatory bail before the Principal District Judge, Sivagangai. This petitioner is A3, is a Document Writer.

6. Upon considering the arguments advanced by either side considered, during the time of occurrence the petitioner being the document writer execute an agreement in favour of the first and second accused. In this case, first and second accused were already granted bail by the Principal District Judge, Sivagangai. Now, on going through the entire averments made in the First Information Report, it is seen that the de-facto complainant does not say anything about the petitioner, except the petitioner wrote the document. Accordingly, the evidence to be collected for completing investigation is in the form of document. Accordingly, considering the facts and circumstances of the case, custodial interrogation is not necessary for completing the investigation. Therefore, for the reasons stated above, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. 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, Manamadurai, Sivagangai District, 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. for a period of three weeks, 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 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/-
30/01/2018

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

TO

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

+1. CC to M/S.S.MUTHALRAJ Advocate SR.No.1611

ORDER
IN
CRL OP(MD) No.808 of 2018
Date :30/01/2018

MKV-CM-VR-SAR 4/2.2.2018/3P-6C