



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

Wednesday, the Tenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.14733 of 2017

RAJA ... PETITIONER/ACCUSED NO.3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
PUDUKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT,
(CRIME NO.382 OF 2017) ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.R.JOHN SATHYAN Advocate

For Respondent : M/S.S.BHARATHI Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

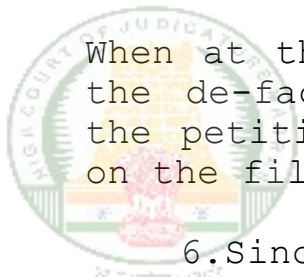
The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 465, 468, 471 and 420 IPC in Crime No.382 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A3 and one Devanathan/A4 purchased a land, which belongs to the de facto complainant, through registered sale deed, dated 15.07.2010 from A1 & A2.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has not committed any offence as alleged by the prosecution and he is no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. The alleged petition mentioned property purchased by the petitioner from A1 and A2. Admittedly, as of now, A1 and A2 in this case are no more.



When at the time putting fencing, a dispute was arose between the de-facto complainant and the petitioner/A3. Thereafter, the petitioner herein instituted a suit in O.S.No.255 of 2007 on the file of the Subordinate Court, Tuticorin, on 21.09.2017.

6.Since the evidence to be collected in this case are all in the form of registered documents, custodial interrogation of the petitioner is not necessary for completing the investigation.

7.Taking all the above said aspects into consideration and having regard to the nature of offence, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Thoothukudi on condition that each of 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 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/-
10/01/2018

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TO

- 1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI
- 2 THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT
- 3 THE INSPECTOR OF POLICE
PUDUKOTTAI POLICE STATION, THOOTHUKUDI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.JOHN SATHYAN Advocate SR.No.535

GJM/CM/VR/SAR-I-18.1.18-3P-6C

ORDER
IN
CRL OP (MD) No.14733 of 2017
Date :10/01/2018