



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.15644 of 2017

SRINIVASAN

...PETITIONER/ACCUSED RANK NOT KNOWN
Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NALATINPUDUR POLICE STATION,
TUTICORIN DISTRICT.
CRIME NO.292 OF 2017

... RESPONDENT/ RESPONDENT

For Petitioner : M/S.S.M.ANANTHA MURUGAN, Advocate
For Respondent : M/S.S.BHARATHI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 406, 420, 468 and 471 of IPC, registered in Crime No.292 of 2017 on the file of the respondent Police, seeks anticipatory bail.

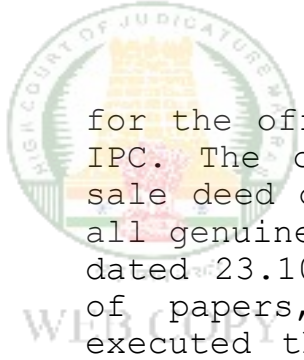
2.The case of the prosecution is that the petitioner has executed sale deed in respect of his property, on 22.10.2007, in favour of the defacto complainant. Before that the petitioner had executed a power of attorney deed in favour of one Mr.Nellaiappan, S/o S.S.Murugesan. On 11.03.2008, the power holder of the petitioner had executed a sale deed in respect of the same property in favour of one M/s.Subh Realty (South) Pvt. Ltd., having office at Salaipudur, Valliyoor, Tirunelveli District and thereby cheated the defacto complainant. Hence, the complaint has been registered against the petitioner.

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 and he is no way connected to this case. He further submitted that he is ready and willing to cancel the second sale deed.

4.The learned Government Advocate(Crl.Side) submitted that the investigation is not yet completed.

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

5.The submissions made by the learned counsel on either side are considered. The case has been registered against the petitioner



for the offences punishable under Sections 406, 420, 468 and 471 of IPC. The counsel appearing for the petitioner submitted that the sale deed dated 22.10.2007 and the power deed dated 26.10.2006, are all genuine one. However, the reply notice sent by the petitioner, dated 23.10.2017, which is enclosed at page No.48 of the typed set of papers, discloses that the power holder Thiru Nellaiappan executed the sale deed in favour of M/s.Subh Realty (South) Pvt. Ltd. without his knowledge. Further, he admitted that he is ready and willing to cancel the second sale deed. So, the contents of the reply notice create a doubt whether the petitioner is having the intention or not. However the documents have to be collected in this case are registered documents.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are 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 No.I, Kovilpatti, 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 10.00 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 petitioners 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/-
09/01/2018

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TO

1. THE JUDICIAL MAGISTRATE NO.I, KOVILPATTI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

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

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

+1. CC to M/S.S.M.ANANTHA MURUGAN Advocate SR.No.378

ORDER

IN

CRL OP (MD) No.15644 of 2017

Date :09/01/2018

MS/PM-PN/SAR.4/19.01.2018/3P.6C