



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

Thursday, the Tenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP (MD) No.7570 of 2018

SACHIN GOYEL @ SHIVKUMAR

... PETITIONER/2nd ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
(CR.NO.14/2007)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.SOLAISAMY, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 403, 464, 468, 471, 420 and 120(b) of IPC in Crime No.14 of 2018, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 23.01.2003, the complainant mortgaged some properties to one Ponnuchamy S/o.Soorappa Naicker, Melamudimannarkottai, for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and one Venkatachalam, Boomi Naicker, Nagendran, Pandi and Bose executed a deed of power of attorney in favour of Rajesakara Reddy who executed a deed in favour of one Charanjith Singh. This petitioner as a power agent of one Murugesan and executed a sale deed in favour of one Mahesh and all these 13 accused committed fraud on the defacto complainant to grab his property.

3.On the side of the petitioners, it is stated that the petitioner is appointed as a power agent by one Murugesan. He neither fabricated any document nor indulged in any such criminal activities. It is further stated that charge sheet was filed in the year 2011 in which, the petitioner is shown as absconding. He came



to know of the fact recently and filed this anticipatory bail petition and hence, he prays for anticipatory bail to the petitioner.

4. On the side of the respondent, it is stated that totally 5 accused indulged in the offence. The petitioner is arrayed as A2 and he was shown as absconding and charge sheet was filed in C.C.No.129 of 2011 on the file of the learned Judicial Magistrate, Virudhunagar. The petitioner has not appeared before the Magistrate. Hence, the Non Bailable Warrant was issued against the petitioner. The petitioner belongs to the State of Haryana. If the petitioner is released on bail, he will indulge in similar offence.

5. Records perused. Though charge sheet was filed, the police have not taken any steps to arrest the petitioner so far. The Non Bailable Warrant is pending from 17.12.2015. Even then, the police is not able to secure the petitioner. Now the petitioner seems has voluntarily come forward to surrender before the concerned Magistrate. In this circumstances, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Virudhunagar District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the lower Court is directed to verify the genuinity of the sureties by verifying the original residential documents.

[b] the petitioner shall report before the concerned Court daily at 10.30 a.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] on breach of any of the aforesaid conditions, 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 is 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/-

10/05/2018

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
VIRUDHUNAGAR DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.M.SOLAISAMY, Advocate SR.No.8452

ORDER

IN

CRL OP(MD) No.7570 of 2018

Date :10/05/2018

PK/CM/VK/14.05.2018 : 2P/6C