



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17532 of 2017

1 MANOHARAN @ MUTHUPANDI
2 ETWIN SUDHAKAR

... PETITIONERS / ACCUSED NO.3 & 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
NARAIKINARU POLICE STATION,
THOOTHUKUDI DISTRICT.
(IN CRIME NO.28 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.M.PRABU Advocate

For Respondent : MR.K.S.DURAI PANDIAN Additional Public Prosecutor

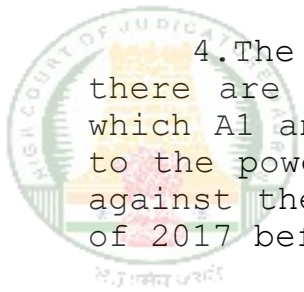
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.3 and 4, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 419, 420 and 506(i) of I.P.C in Crime No.28 of 2017 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and accused were entered into sale agreement. For which On 19.06.2008, A1 & A2 had executed a power of attorney in favour of the defacto complainant. After that, the defacto complainant verify the documents and found that the land was under encumbrance. The petitioners along with other accused are created forged document and executed the forgery power of attorney in favour of the defacto complainant. When, the petitioner was questioned by the defacto complainant, the petitioners are using filthy language and threatened the defacto complainant. Hence, the defacto complainant lodged a complainant before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and did not commit any offence as alleged by the prosecution. He further submits that there are totally 6 accused in this crime number, the A1 and A2 owner of the land and A3 and A6 are witness in the power of attorney. The petitioners are no way connected with this crime number.



4.The learned Additional Public Prosecutor would submit that there are totally 6 accused are involved in this crime number, in which A1 and A2 are the owner of the land and A5 and A6 are witness to the power of attorney. The petitioners also lodged a complainant against the defacto complainant which was registered in Crime No.29 of 2017 before the respondent police.

5.Considering the facts and circumstances of the case would appear that except the threatening of the defacto complainant no other overt act is attributed against this petitioners so nothing is to be recovered by way of custodial interrogation. Further this case has been lodged after the lapse of 9 years. Therefore, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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.II, Kovilpatti, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 petitioners shall appear before the respondent police daily at 08.00 a.m. for a period of one month, thereafter as and when required for interrogation;
- (ii) the petitioners shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioners shall not abscond either during investigation or trial;
- (v) the petitioners shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the petitioners in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
02/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
NARAIKINARU POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1. CC to M/S.M.PRABU Advocate SR.No.6

ORDER

IN

CRL OP(MD) No.17532 of 2017

Date :02/01/2018

MKV-PM-PN-SAR 4/4.1.2018/3P-6C