



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21860 of 2018

SIVAKUMAR

... PETITIONER / ACCUSED NO.1

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO.146/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.JEGAN Advocate

For Respondent : MR.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 420, 468, 471 & 506(i) of IPC, in Cr.No.146 of 2018 seeks anticipatory bail.

2.The defacto complainant is none other than the mother of the petitioner. It seems to be some disputes with regard to the sharing of their property between the petitioner and his sisters since the sharing was not to the wish of the petitioner. Hence, the petitioner had created a document as he had executed a sale deed in favour of A2 in respect of their ancestral property. It has been registered as document No.951 of 2018, dated 18.09.2018 before the Sub Registrar Office, Thondi. For which the petitioner's mother had lodged the above complaint and the case came to be registered.

3.The petitioner submits that now the issue has been amicably settled between the mother, petitioner and other family members in view of the earlier registered document was cancelled by document No.990 of 2018, dated 28.09.2018 before the Sub Registrar Office, Thondi. That the encumbrance created has been removed and the property has been put forth to the original position.



4. The learned Government Advocate (Crl. Side) also admits the same.

5. Taking into consideration the facts of the case and considering the fact that the property has been restored to the original position, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner 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, Thiruvadanai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation

[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 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/12/2018

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

TO

1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.



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

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JM/VR MMS/SAR 4/18.12.2018/3P/5C

ORDER

IN

CRL OP (MD) No.21860 of 2018

Date :11/12/2018