



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

Wednesday, the Twelfth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21929 of 2018

1 MATHEW KUTTY JOSEPH

2 MATHEW ABRAHAM

... PETITIONERS / ACCUSED 3 AND 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
NAGERCOIL, KANYAKUMARI DISTRICT.
(CRIME NO.68/2014)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.RAJESHWARAN 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 :-

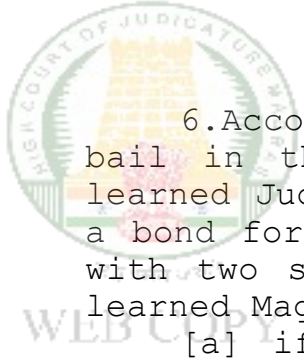
The petitioners/accused 3 and 4 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 468 and 471 I.P.C in Crime No.68 of 2014, seek anticipatory bail.

2. The allegation against the petitioners is that they along with other accused, created some forged documents and thereby cheated the defacto complainant.

3. The contention of the petitioners is that no such incident had taken place and the petitioners had nothing to do with the alleged crime and hence, anticipatory bail may be granted to them.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there is a civil dispute pending between the petitioners and the defacto complainant.

5.Considering the above facts and also considering the fact that the crime is of the year 2014 and the petitioners are ready to abide by any condition to be imposed by this Court, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:-



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, No.I, Nagercoil and on their executing 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 learned Magistrate concerned and on further condition that

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

[b] the petitioners shall report before the respondent Police daily at 10.00 a.m until further orders for interrogation.

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

[d] the petitioners 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 petitioners 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/-

12/12/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.RAJESHWARAN Advocate SR.No.23233

ORDER

IN

CRL OP(MD) No.21929 of 2018

Date :12/12/2018