



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

Monday, the Nineteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20173 of 2018

CHELLIAH

... PETITIONER / ACCUSED NO.4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.478/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.SIVABALAN Advocate

For Respondent : MR.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 120(b), 420, 467 and 468 of IPC, in Crime No.478 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that there are six accused in this case. The petitioner who is arrayed as A4, is the attesting witness to the registered sale deed in No.2031 of 2010 before the Sub Registrar, Melur in the year 2010. The defacto complainant is the owner of the above property, for which, the above sale deed has been registered. The first accused is the impersonated person and sold the property to the second accused vide registered sale deed in No.2031/2010. A3 and A4 are the attesting witnesses. A2 executed the power to the property to A5 vide document No.463/2010. On the strength of the power of attorney, the fifth accused has sold the same to the six accused vide deed No.73/2012. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged occurrence. He further submitted that the petitioner is only a attesting witness to the registered sale deed No.2031 of 2010.



4.The learned Government Advocate (CrI.side) for the respondent police submitted that the investigation is pending.

5.Taking into consideration the facts of the case and the submissions by learned counsels, 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 No.III, Thoothukudi, 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 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 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/-

19/11/2018

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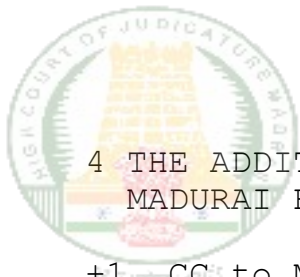
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, TUTICORIN.

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



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

+1. CC to M/S.K.SIVABALAN Advocate SR.No. 21813

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ORDER

IN

CRL OP (MD) No.20173 of 2018

Date :19/11/2018

JM/VR MMS/SAR 1/22.11.2018/3P/6C