



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1135 of 2019

KARUPPASAMY

... PETITIONER / ACCUSED NO. 12

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
PASUVATHANAI POLICE STATION,
THOOTHUKUDI DT.
(CRIME .NO.90 OF 2008)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.M.PRABU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. 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), 419, 420, 465, 468, 471 and r/w. 109 of IPC in Crime No.90 of 2008 seeks anticipatory bail.

2. The case of the prosecution is that land in S.No.5/2A to an extend of 5 acres 78 cents situated at Venkadeswaram Village, Ottapidaram Taluk, which is originally belongs to the de facto complainant's father namely, Subramanian. After death of the de facto complainant's father, the petitioner and along with other accused were created a forged document and sold the same to the sixth accused through sale deed dated 30.05.2006. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner had signed as attesting witness to the alleged sale deed. The petitioner was not aware of the pendency of the above case. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and the petitioner's name does not find in the First Information Report.

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4.The learned Government Advocate (Crl.side) would submit that



totally 14 accused in this case. Almost all the accused were released on bail. He would further submit that investigation is completed and the case has also been charge sheeted in C.C.No.44 of 2016 before the Judicial Magistrate No.II, Kovilpatti. No previous case is pending against the petitioner.

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5.Taking into consideration the facts of the case and the submissions by learned counsel on either side, 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.II, Kovilpatti 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 respondent police or the police officer who intends to arrest or 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 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/-
29/01/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO II
KOVILPATTI, THOOTHUKUDI DISTRICT

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2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT



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

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

+1. CC to MR.M.PRABU Advocate SR.No.1786

ORDER

IN

CRL OP (MD) No.1135 of 2019

Date :29/01/2019

TK/PN/SAR-I/04.02.2019-3P/6C