



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

Monday, the Eleventh day of February Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.DHANDAPANI**

CRL OP (MD) No.1955 of 2019

1 M.PAULRAJ  
2 P.PONPANDI

... PETITIONERS / ACCUSED NO.4 & 5

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
THARUVAIKULAM POLICE STATION,  
THOOTHUKUDI DISTRICT.  
CRIME NO.7/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.A.THIRUVADI KUMAR, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,  
Government Advocate (Crl.Side)

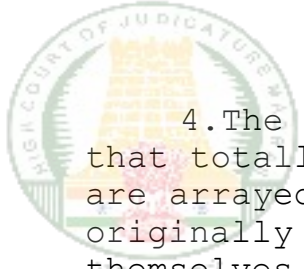
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A4 and A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 469 and 471 I.P.C., in Crime No.7 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant purchased the property in S.F.No.321/1, Thalavaipuram, Sakkammalpuram Village, Ottapidaram Taluk, measuring an extent of 1 Acre and 41 Cents from one Parmasivam Thevar, vide sale deed dated 06.06.1978. The said property had devolved upon the said Paramasivam Thevar through the partition dated 13.10.1971. The petitioners along with other accused created forged documents with regard to the property belongs to the de-facto complainant and used the same as genuine and executed sale deed in favour of A3 and cheated the de-facto complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners are only attesting witnesses and they did not commit any offence as alleged by the prosecution and they are innocents and falsely implicated in this case.



4.The learned Government Advocate (Criminal side) submitted that totally there are 5 accused in this case. The petitioners, who are arrayed as A4 and A5, are the attesting witnesses. The property originally belonged to 3 brothers and they partitioned the property themselves on 13.10.1971 and the disputed property was allotted to one brother by name Paramsivam and he sold the property to the de-facto complainant on 06.06.1978 for a valuable consideration and Patta also stood in his name and he is enjoying the property. While so, A1 created Power Deed, as if the same was executed by A2, who is the de-facto complainant's brother's wife. Thereafter, by using the said power deed, A1 executed sale deed in favour of A3, who is his son and cheated the de-facto complainant. He further submitted that this Court granted anticipatory bail to the co-accused/A2, in Crl.O.P. (MD)No.2194 of 2018, dated 13.02.2018.

5.Considering the facts and circumstances of the case and also considering the above said submissions, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam, on condition that each of them 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 learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required 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 petitioners 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**



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/02/2019

/ TRUE COPY /

WEB COPY

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

TO

1. THE JUDICIAL MAGISTRATE, VILATHIKULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,  
THARUVAIKULAM POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.A.THIRUVADI KUMAR Advocate SR.No.3018

ORDER

IN

CRL OP(MD) No.1955 of 2019

Date :11/02/2019

**MS/VR/SAR-3/14.02.2019/3P.6C**