



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

Thursday, the Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2002 of 2019

1 P.MANIKANDAN
2 G.MOHAN DASS
3 NAGARAJAN
4 AGATHEESWARAN

... PETITIONERS / ACCUSED
3-4, 6-7

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
Crime No.134/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.V.RAMESH 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 petitioners, who are arrayed as Accused Nos.3, 4, 6 and 7, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b) and 420 I.P.C., in C.C.No.215 of 2018, on the file of the Judicial Magistrate Court No.II, Sivakasi, and hence, seek anticipatory bail.

2.The case of the prosecution is that A1 and A2 jointly created a forged document in their names in respect of a property belonging to the de-facto complainant. The first petitioner herein has purchased the said property and the petitioners 2 and 3, the then Sub-Registrar and the Stamp Vendor of the document respectively, have aided the above purchase.

3.The learned counsel for the petitioners submitted that the first petitioner/A3 purchased the property in S.No.223/3, Kaiseri Village, for a valid sale consideration from A1 and A2 in the year 2008, for which, the de-facto complainant has filed the complaint in the year 2017 i.e., after a lapse of 9 years from the date of alleged offence. In the present case, investigation has been



completed and the charge sheet has also been filed in C.C.No.215 of 2018 before the Judicial Magistrate Court No.II, Sivakasi.

4.The learned Government Advocate (Criminal side) did not dispute the facts submitted by the learned counsel for the petitioners.

5.Considering the facts and circumstances of the case, 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 No.II, Sivakasi, 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 appear before the Trial Court for all future hearings without fail;

(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 5560]; and;

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

sd/-

07/02/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO II,
SIVAKASI.

2. THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to Mr.V.RAMESH Advocate SR.No.2803

ORDER

IN

CRL OP(MD) No.2002 of 2019

Date :07/02/2019

TK/PN/SAR-2/14.02.2019/3P/6C