



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2544 of 2019

CHELLIAH

... PETITIONER / A 6

Vs

STATE REP BY ITS
THE SUB INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION, ETTAYAPURAM,
THOOTHUKUDI DISTRICT.
(CRIME NO.277/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.N.S.RAMAKRISHNA DASS Advocate

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

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

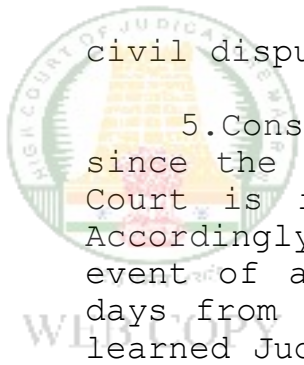
ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 447, 294 (b), 427, 420, 468, 467 and 506(i) of IPC, in Cr.No.277 of 2016 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the property situated in Appaneri Village, Kovilpatti Taluk, measuring at 1 acre 76 cents of land, was purchased by the defacto complainant from one Srinivasan on 04.05.1998 and he has also got patta in his name and is in possession and enjoyment of the above property. The first accused in this case has created and fabricated a sale deed in favour of himself in the Sub Registrar Office at Ettayapuram. There are seven accused persons are involved in this case and they entered into the defacto complainant's land and cut and remove the karuvelam trees. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. The co-accused in this case has been granted anticipatory bail by this Court by order dated 01.02.2019 in Crl.O.P.(MD).No.21839 of 2018. Accordingly, he prays for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that investigation is pending and it is a



civil dispute.

5. Considering the facts and circumstances of this case and since the co-accused granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner. 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 learned Magistrate concerned and on further condition that:

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

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter 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;

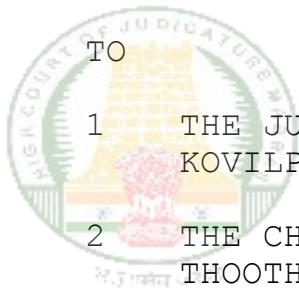
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
20/02/2019

/ TRUE COPY /

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



TO

- 1 THE JUDICIAL MAGISTRATE NO-II,
KOVILPATTI.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE SUB INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION,
ETTAYAPURAM, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.N.S.RAMAKRISHNA DASS Advocate SR.No.3419

PS/PN/SAR-4/25.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.2544 of 2019

Date :20/02/2019