



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.346 of 2019

KINGSON @ KINGSTON

... PETITIONER / ACCUSED No.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NAZARETH POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.150/2011)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.PONKARTHIKEYAN Advocate

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

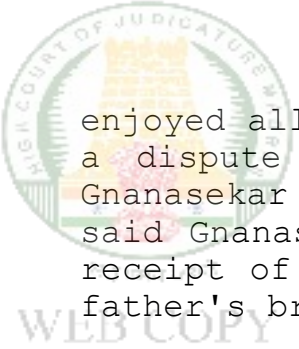
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

There are totally 27 accused. The petitioner who is Accused No.2 in this case, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 417 and 420 I.P.C, in Crime No.150 of 2011, seeks anticipatory bail.

2.According to the petitioner/A-2, he is the son of A-1. A-1, A-4 and A-5 are brothers. A-6 and A-7 are witnesses to the document. According to him, his father and his brothers have inherited a property. Out of which, two such properties were executed to the defacto complainant by way of document Nos.1843 and 1844 of 2005 before the Sub Registrar Office, Naserath for a total consideration of Rs.2,29,190/-. There arose some misunderstanding between the family members. Hence, one of the brothers Gnanasekar sent a legal notice to the defacto complainant in the year 2011 stating that A-2/the petitioner herein, who is son of A-1 has impersonated him and executed the sale deed.

3.The learned counsel for the petitioner would submit that all the brothers of A-1 have only executed a sale deed in favour of the defacto complainant. Upto the year 2008, the petitioner had



enjoyed all the properties without any hindrance. In fact, there is a dispute with regard to sharing of remaining property between Gnanasekar and other four brothers. Due to the said dispute, the said Gnanasekar sent a legal notice to the defacto complainant. On receipt of the complaint from the said Gnanasekar, the petitioner's father's brothers have also lodged a complaint.

4.The learned Government Advocate (Cr1.Side) appearing for the respondent, on instructions, would submit that it is a civil dispute between the family members and investigation is in progress.

4.Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions;

5.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Sathankulam, on condition that the petitioner shall each 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 learned Magistrate concerned and on further condition that;

[a] if the petitioner failed 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 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/-
11/01/2019

/ TRUE COPY /



1. THE JUDICIAL MAGISTRATE,
SATHANKULAM.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

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

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

+1. CC to MR.R.PONKARTHIKEYAN Advocate SR.No.812

ORDER
IN
CRL OP (MD) No.346 of 2019
Date :11/01/2019

AE/JC/SAR3/22.01.2019/3P/6C