



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

Monday, the Twenty Second day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4133 of 2019

ALBERT PRABHU

... PETITIONER / ACCUSED NO.4

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
CRIME NO.29/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.MUTHUMALAI, Advocate
For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

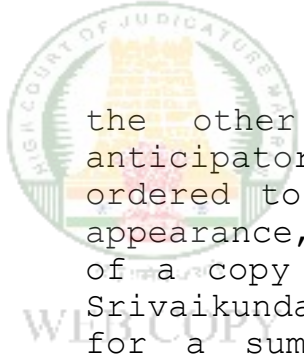
The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 463,464,465,468,470 and 471 of IPC in Cr.No.29 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant purchased the property situated at Thenthiruperai Kaspas Village, Plot No.25 comprised in S.No.1097/24, 1097/25 from the first accused and the first accused executed false document in favour of her two sons and other accused persons stood on which, thereby the defacto complainant filed a complaint before the respondent police. Hence the complaint

3.The learned counsel appearing for the petitioner is Sub Registrar and he did not commit any offence as alleged by the prosecution. He would also submit that he has cancelled the alleged sale deed executed by other accused persons.

4.The learned Additional Public Prosecutor would submit that alleged settlement deed was cancelled by the other accused persons.

5.Considering the facts and circumstances of the case and also considering the fact that alleged settlement deed was cancelled by



the other accused persons, 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, Srivaikundam 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 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 until further orders.

(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/-

22/04/2019

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

TO

1. THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE
ALWARTHIRUNAGARI POLICE STATION
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.S.MUTHUMALAI Advocate SR.No.7013

ORDER IN

CRL OP(MD) No.4133 of 2019

Date : 22/04/2019