



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.846 of 2019

S.PALANIKUMAR

... PETITIONER / 2nd ACCUSED

Vs

THE SUB INSPECTOR OF POLICE,
MATHICHIYAM POLICE STATION,
MADURAI CITY,MADURAI.
(CRIME.NO.13/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.ARUN Advocate

For Respondent : Mr.K.SUYAMBULINGA BHRATHI Govt. Advocate
(Crl. Side)
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 offences punishable under Sections 120(b), 406, 418, 462, 465 and 471 I.P.C, in Crime No.13 of 2019, seeks anticipatory bail.

2. The case of the prosecution is that the the defacto complainant inherited the property from his grand father and the petitioner herein with an intention to grab the ancestral property created forged documents and take possession of the aforesaid property. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the bonafide purchaser of the property. There was a civil dispute pending in O.S.No.78 of 2018 before the learned Additional District Munsif, Madurai

4.The learned Government Advocate (Criminal Side) for the respondent submitted that a case has been filed under Section 156(3) Cr.P.C and the same has been forwarded to the learned Judicial Magistrate No.II, Madurai and thereafter, a case has been registered and investigation commenced.

5. Considering the facts and circumstances of the case and considering the fact that the dispute is civil in nature, this Court is inclined to grant anticipatory bail to the petitioner.



6. 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, Madurai, 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 said Magistrate, on further condition that:

[a] the petitioner shall appear before the respondent police as and when required for interrogation.

[b] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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/-

22/01/2019

/ TRUE COPY /

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

TO

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

+2. CC to MR.B.ARUN Advocate SR.No.1086,1101
PS/VR/SAR-4/29.01.2019/2P/7C

ORDER

IN

CRL OP(MD) No.846 of 2019

Date :22/01/2019