



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

Wednesday, the Thirteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.21454 of 2018

KARUPPASAMY

... PETITIONER/ACCUSED

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
OTTAPIDARAM POLICE STATION,
TUTICORIN DISTRICT
CRIME NO.99/2018

... RESPONDENT/COMPLAINANT

For Petitioner : MR.P.BANUPRASATH, 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 :-

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 120(b), 420, 467, 468, 469 and 474 of IPC, in Cr.No.99 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the A2 is impersonated as he is the owner of the property and executed a sale deed in favour of A1. A3 had signed as witness. 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 sale deed executed in favour of the A1 was cancelled vide document No.25 of 2019. Moreover A3 is mere the witness of the sale deed. Accordingly, he prayed for anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the sale deed was now cancelled and the property is now free from encumbrance.



5. Considering the facts and circumstances of this case and since the property is free from the encumbrance, 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, Vilathikulam, 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 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/-
13/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
VILATHIKULAM, TUTICORIN DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT



3 THE INSPECTOR OF POLICE
OTTAPIDARAM POLICE STATION, TUTICORIN DISTRICT

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

+1. CC to MR.P.BANUPRASATH, Advocate SR.No.3130

ORDER
IN
CRL OP(MD) No.21454 of 2018
Date :13/02/2019

TM
PK/PN/SAR-1/18.02.2019 : 3P/6C