



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

Wednesday, the Tenth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9394 of 2019

A.MICHAEL RAJ @ MICHELRAJ

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(IN CRIME NO. 290 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.SANKARARAMASUBRAMANIAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

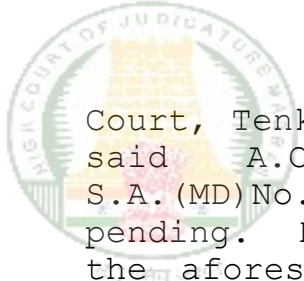
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

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 447, 427, 294 (b) and 506 (ii) of IPC, in Crime No.290 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that in respect of the property situated in S.No.182/1A, 182/1B to the extent of 1 Acre 5 cents, the petitioner's brother namely A.Chandrasekar entered into a sale agreement with the defacto complainant on 14.09.1998 and possession of the said property was also handed over to the said A.Chandrasekar. He further submitted that the said A.Chandrasekar had filed a suit in O.S.No.58 of 2004 on the file of the Principal District Munsif, Tenkasi against the defacto complainant and one Seeni Vaithiyalingam for the relief of specific performance and the said suit was decreed on 16.04.2004 directing the defacto compliannat to execute a sale deed infavour of the petitioner's brother A.Chandrasekar. He further submitted that as against the said judgment and decree, the defacto complainant has filed an appeal in A.S.No.41 of 2004 on the file of the Subordinate



Court, Tenkasi and the same was allowed and as against the same, the said A.Chandrasekar, has filed a second appeal in S.A.(MD)No.1004 of 2005 before this Court and the same is still pending. He further submitted that since already the possession of the aforesaid property has been handed over to the petitioner's brother, the defacto complainant has no right to interfere with the possession of the said A.Chandrasekar. He further submitted that the petitioner has not committed any offence and only with a view to take the possession from the petitioner's brother A.Chandrasekar, the defacto complainant gave a false complaint against the petitioner herein. He further submitted that the said A.Chandrasekar died without any issue and hence, the petitioner alone is his legal heir and hence, a false case has been foisted against the petitioner, and therefore, he prayed anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal side) appearing for the respondent has submitted that the possession is only with the defacto complainant and already two cases have been registered against the petitioner herein and this is the third case and therefore, she strongly opposed this petition.

5.Taking into consideration the fact that already civil suit is pending between the petitioner and the defacto complainant and also the fact that one FIR has been stayed by this Court in Cr.OP(MD) No.543 of 2019, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Alangulam, Tirunelveli District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

<https://hcservices.ecourts.gov.in/hcservices/> (iv) the petitioner shall not abscond either during investigation or trial.



(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

sd/-

10/07/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
ALANGULAM TIRUNELVELI DISTRICT

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALANGULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.A.SANKARARAMASUBRAMANIAN Advocate SR.No. 11488

ORDER

IN

CRL OP(MD) No.9394 of 2019

Date :10/07/2019

JM/JC/SAR 4/17.07.2019/3P/6C