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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19634 of 2018

KARUPPA SAMY NADAR ... PETITIONER / COMPLAINANT

Vs

STATE THROUGH THE
INSPECTOR OF POLICE, OTTAPIDARAM POLICE
STATION, THOOTHUKUDI DISTRICT.
... RESPONDENT / COMPLAINANT

For Petitioner : Mr.I.SABEER MOHAMED 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 offences punishable under Sections 120 (b), 420, 467, 468, 469 and 474 of IPC in Crime No.99 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the de facto complainant's father had a agricultural land. After death of the de facto complainant's father, the second accused had created a fabricated power deed in favour of him. On the basis of the power deed, the above said land also transferred into the first accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as third accused. He is only witness to the sale deed and also provided his identity proof. He would further submit that petitioner is an innocent and he has not committed any offence and in this case co-accused has already been granted with anticipatory bail.

4.The learned Government Advocate (Crl.side) would submit that investigation is pending.

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5.Taking into consideration the facts of the case and the

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submissions by learned counsel on either side, 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 Judicial Magistrate Court, Vilathikulam, Thoothukudi Distrirct 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 said Magistrate, on further condition that:

[a] if the petitioner fail 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 daily at 10.30 a.m., for a period of two weeks and thereafter, 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/-
29/01/2019

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

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TO

1 THE JUDICIAL MAGISTRATE COURT,
VILATHIKULAM,THOOTHUKUDI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

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

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

+1. CC to Mr.I.SABEER MOHAMED Advocate SR.No.1705

PS/PN/SAR-4/06.02.2019/3P/6C

ORDER
IN
CRL OP(MD) No.19634 of 2018
Date :29/01/2019

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