



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

Tuesday, the Fifth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16033 of 2018

DEVASAHAYA ARUL,

... PETITIONER / 2nd ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME.NO.51/2012)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.BALAKRISHNAN, Advocate for Mr.S.PUGALENDHI
Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI 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 alleged offence punishable under Sections 120(B), 468, 471, 420 IPC in Crime No.51 of 2012, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons colluding with each other executed the sale deed in favour of one Siva to their total land including the land of the defaco complainant. Hence, the complaint.

4.The learned counsel for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and hence, prays for grant of anticipatory bail to the petitioner. He would further submit that he is the original owner of the property in dispute and he sold the property to one Murugesan. Thereafter, several transactions were taken place.

5.The learned Government Advocate (Crl.Side) submitted that the investigation is still pending.

6.Taking into consideration the nature of allegation against the petitioner and also the submissions made by the leaned counsel, this Court is inclined to grant anticipatory bail to the petitioner.



7. 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, Boothapandy 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] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
BOOTHAPANDY,

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.



3

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.

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

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+1. CC to Mr.S.PUGALENDHI Advocate SR.No.2425

PS/JC/SAR-1/08.02.2019/3P/6C

ORDER

IN

CRL OP(MD) No.16033 of 2018

Date :05/02/2019