



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.11580 of 2019

Thandayuthapani

... Petitioner/3rd Accused

Vs

State rep by,
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
Crime No.704 of 2017.

... Respondent/Complainant

For Petitioner : M/s.T.Lenin Kumar,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.704 of 2017 on the file of the respondent

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 465, 467, 468, 469, 423 r/w Section 34 and 109 of IPC in Crime No.704 of 2017, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that due to civil dispute, a false case has been registered against the petitioner. He further submitted that the petitioner is working as Village Administrative Officer. He further submitted that the petitioner is an innocent and he has been falsely implicated in the above case. He further submitted that already the learned Sessions Judge has granted anticipatory bail to the accused No.1 and 2. Hence, he prayed for grant of anticipatory bail to the



4.The learned Government Advocate (Crl. Side) appearing for the respondent has submitted that the investigation is still pending. Thus, she opposed this petition.

5.The allegations against the petitioner is that he is being the Village Administrative Officer, has inserted the name of A1 and A2 in the revenue records with a view to help them to grab the property of the defacto complainant but, the police has not seized the original records either from the petitioner herein or from the Taluk Office. Further, it is seen from the counter affidavit filed by the respondent police, already A2 has filed a suit in O.S.No.127 of 2016 on the file of District Munsif Court, Aranthangi against the defacto complainant and his mother for the relief of permanent injunction and the same is still pending and further, already the learned Session Judge has granted anticipatory bail to accused No.1 and 2.

6.Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

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, Aranthangi, 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 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 fails 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 two 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.

(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 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

<https://hccourts.courts.gov.in/Kse6/has> ji 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/-
30/08/2019

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/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,
ARANTHANGI.
 - 2.THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
 - 3.THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKOTTAI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.T.LENIN KUMAR Advocate SR.No.14564

ORDER
IN
CRL OP(MD) No.11580 of 2019
Date :30/08/2019

TK/JC/SAR.1/05.09.2019/3P/6C