



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD).No.11567 of 2020

Sudhakar @ Edwin Sudhakar

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
Naraikinaru Police Station,
Thoothukudi District.
Crime No.28 of 2017.

... Respondent/Complainant

For Petitioner : Mr.Veilkaniraju,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

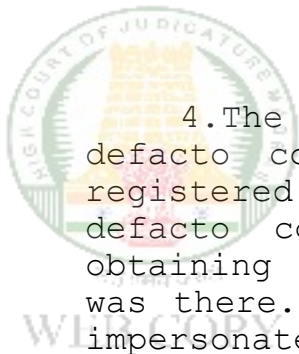
PRAYER :- For Anticipatory Bail in Crime No.28 of 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A4, apprehending arrest at the hands of the respondent police for the offence punishable under sections 147, 419, 420, 294(b) and 506(i) IPC, in Crime No.28 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the accused No.3 is the close relative of the defacto complainant. In the year of 2008, the petitioner and A3 were approached the defacto complainant to sell the property in Survey Nos.128/1 (11.39 acres), 28/4 (15.33 acres), 29 (9.30 acres), 31/4 (6.27 acres) totally 42.29 acres. The petitioner and A3 told the defacto complainant that the said properties are belongs to A1 and A2 and they demanded Rs.15,000/- per acre.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the



4.The learned counsel for the petitioner submitted that the defacto complainant also obtained power deed and the same was registered in Document No.312/2008 from A1 and A2. Thereafter, the defacto complainant applied for Encumbrance Certificate, after obtaining the Encumbrance Certificate, it reveals that encumbrance was there. On enquiry, all the accused were conspired together and impersonated and executed power deed to the defacto complainant. When the same was questioned by the defacto complainant, at the time the accused threatened the defacto complainant and abused filthy language.

5.He further submitted that A3 is none other than the cousin brother of the defacto complainant and the petitioner is the brother-in-law of A3. The A3 was tried to contest the Panchayat election, due to the personal vengeance, the present complaint has been lodged with false allegations. The alleged occurrence taken place in the year of 2008. But the defacto complainant lodged the present complaint in the year of 2017. Hence, he prayed for grant of anticipatory bail to the petitioner.

6.The learned Government Advocate (Crl.Side) appearing for the respondent police vehemently opposed to grant anticipatory bail to the petitioner.

7.Considering the above facts and circumstances of the case and considering the fact that the crime took place in the year 2008 and custodial interrogation of the petitioner does not require, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kovilpatti, 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:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the 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 morning at 10.30 a.m., without fail, for a period of Four Weeks and thereafter as on when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness
<https://hccourtscorpus.in/hccservices> 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/10/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
NARAIKINARU POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11567 of 2020
Date :16/10/2020

MS/SMA/SAR-2/22.10.2020/3P.5C