



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2020

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PRESENT

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

CRL OP(MD). No.13274 of 2020

Ganesan

... Petitioner/
Accused Rank not known

Vs

The State rep. by
The Inspector of Police
Palayanoor Police Station,
Sivagangai District.
Crime No. 129 of 2020.

... Respondent/Complainant

For Petitioner : Mr.B.Ravi
Advocate.

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

PRAYER:

For Anticipatory Bail in Crime No.129 of 2020 on the file of the Respondent Police.

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 143, 468, 471, 420 and 506(ii) I.P.C, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is that the share of the defacto complainant also included in the patta issued in favour of A4 and A5 by the revenue officials.

4.The learned counsel for the petitioner would submit that as far as the petitioner is concerned he arrayed as A1 and he is working as a village assistant assisting the village administrative officer. He is nothing to do with the crime as alleged by the prosecution. There is already dispute between A4, A5 and the defacto complainant, who are being the brothers, in respect of the family property is concerned. Even according to the defacto complainant,



his share also included in the patta issued in favour of A4 and A5. The petitioner is being the assistant of village of the panchayat, he has no role to play in issuing of patta and other revenue officials were issued patta in favour of A4 and A5.

5. The learned Government Advocate appearing for the respondent, on instructions, would submit that totally there are seven accused in this case, the petitioner is arrayed as A1. Only with the help of the petitioner/ A1, the revenue officials issued patta in favour of A4 and A5, including the share of the defacto complainant, without conducting any enquiry from the defacto complainant. According to the defacto complainant, his share also included in the patta in favour of A4 and A5. A4 and A5 are the brothers of the defacto complainant.

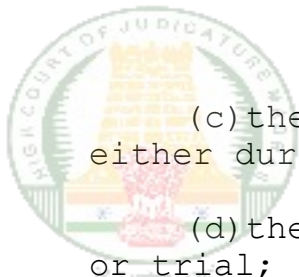
6. It is seen that totally there are seven accused, in which, the petitioner is arrayed as A1. When he is working as a village assistant of Melarangiyan revenue village, Tiruppuvanam Taluk, Sivagangai District, family property belonging to A4, A5 and defacto complainant issued patta by the revenue officials in favour of A4 and A5 only, without including the share of the defacto complainant. The petitioner is being the village assistant, he is nothing to do with the issuance of patta by revenue officials in favour of A4 and A5.

7. Considering the above facts and circumstances, the custodial interrogation of the petitioner does not require in this case. Hence, 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 fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, Sivagangai District. on condition that the petitioner shall execute a bond for a sum 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 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;

WEB COPY (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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/11/2020

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PALAYANOOR POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.13274 of 2020
Date :24/11/2020

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SRS/AKM/SAR-IV/30.11.2020/3P/5C

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