



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23908 of 2021

Kaliyaperumal

.. Petitioner

Vs.

State rep.by
Inspector of Police (DCB),
District Crime Branch,
Nagapattinam District.
Crime No.4 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.4 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.T.Saravanan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 406, 448, 294(b) and 506(i) of IPC later altered into Sections 406, 409, 420, 448, 468, 471, 294(b), 506(i) r/w 109 of IPC in Crime No.4 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A4. The petitioner and the defacto complainant are brothers and there was a civil dispute between the petitioner and the defacto complainant with regard to subject property. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner was an innocent person and has been falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl side) due to civil dispute between the petitioner and the defacto complainant with regard to subject property, the present case has been filed. He further submits that investigation has been completed and charge sheet has also been filed.

5. Considering the submissions made by both counsel and also considering the fact that the investigation has also been completed, 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 *learned Judicial Magistrate-I, Nagapattinam* 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)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 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 has been imposed and the petitioner is 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.

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-sd/-
09/12/2021

This order, on being produced, be punctually observed and carried
into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE-I,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE (DCB),
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.C.T.SARAVANAN Advocate on payment of necessary
charges SR.NO.14601

CRL OP.23908/2021

Date :09/12/2021

CSK 16/12/2021