



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

Date : 29/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).No.3267 of 2021

Gnana Chandran

... Petitioner/1st Accused

Vs.

1.State Rep.by

The Inspector of Police,
District Crime Branch,
Palayamkottai,
Tirunelveli -2.
Crime No.43 of 2012.

... Respondent/ Complainant

2.The Inspector of Police,
Nanguneri Police Station,
Nanguneri,
Tirunelveli District.

... Respondent/ Investigation Officer

For Petitioner : Mr.S.R.Anbarasu,
Advocate.

For Respondents: Mr.Bharathi Kannan,
Government Advocate (Crl.Side)

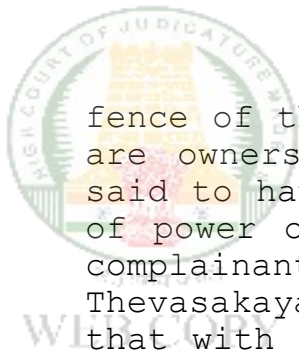
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

PRAYER :- For Anticipatory Bail in Crime No.43 of 2012 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 419, 465, 467, 468, 471 and 420 IPC, in Crime No.43 of 2012 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that in this case, the defacto complainant purchased a disputed property to an extent of 4.51 cents through the document No.3785/2007 and another property to an extent of 8.81 cents in the name of his son Murugan in document No.7054/07. These properties have been possession and enjoyment of the defacto complainant and his son during January 2010. When they measuring to



fence of the property, A1 and A2 have come there and told that they are owners. On verification, it is found that the second accused said to have sold the property to the first accused in his capacity of power of attorney on 10.09.1996. It is the case of the defacto complainant that this property originally belonged to one Thevasakayanadar and he died on 15.12.1992. It is his further case that with the forged thumb impression, the first and second accused created forged documents claiming rights in the property. Hence, the case.

3.The learned counsel appearing for the petitioner/A1 submitted that the allegations made against the petitioner are false. In fact, the petitioner purchased the property even in the year 1996 through power agent, the second accused. The defacto complainant had purchased the same property only in the year 2007. The defacto complainant filed a suit in O.S.No.48 of 2008 on the file of the learned Additional Munsif Court, Nanguneri seeking relief of declaration and injunction against the petitioner/A1 and it was dismissed. Therefore, it is categorically established that the petitioner/A1 is the owner of the property and he is falsely implicated in this case. He further submitted that A2 already got anticipatory bail in Cr.M.P.No.3171 of 2020, dated 07.10.2020 by the learned Principal Sessions Judge, Tirunelveli.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that A2 already got anticipatory bail and investigation is still pending.

5.Taking into consideration the facts and circumstances of the case and taking into the fact that the petitioner/A1 is a previous title holder of the property and the suit filed by the defacto complainant in O.S.No.48 of 2008 before the Additional Munsif Court, Nanguneri, was dismissed, this is the fit case for granting anticipatory bail to the petitioner. Moreover, this case will have to be decided on the basis of the oral and documentary evidence produced before the trial Court and the custodial interrogation of the petitioner is not necessary. Hence, 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 No.1, Tirunelveli, 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



Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioner shall report before 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/04/2021

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/ /2021
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.I, TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, PALAYAMKOTTAI, TIRUNELVELI -2.
4. THE INSPECTOR OF POLICE, NANGUNERI POLICE STATION, NANGUNERI, TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.3267 of 2021
Date :29/04/2021

VSD

MS/PN/SAR-3/11.05.2021/3P.6C

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