



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4583 of 2021

Ramesh

... Petitioner/
Accused Name not mentioned

Vs

The State rep. by
The Inspector of Police,
Palayamkottai Police Station,
Thirunelveli City,
Thirunelveli District.
Crime No.238/2019.

... Respondent/Complainant

For Petitioner : M/s.Dharani.A.,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 238 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420,419,465,468,470 of IPC seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein along with other accused said to have created forged documents and tried to sell the property to the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. The respondent would also submit that only based on the confession



statement of the co-accused the petitioner herein has been implicated as an accused. She would also submit that A1 to A3 in this case were arrested and released on bail.

4. The learned Government Advocate(Criminal Side) would submit that the petitioner herein along with other accused said to have created forged documents and tried to sell the property to the defacto complainant.

5. It is seen that there are three named accused in the First Information Report and the petitioner is arrayed as accused based on the confession statement of the co-accused. The defacto complainant father died in the year 1996 and he owns 47 cents in S.No.1045/2 in Tirunelveli District and now the property worth more than a Crore. A1 to A3 attempted to create forged documents and approached one Muniysamy/A4 for selling the same, but the same could not be succeeded.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that A1 to A3 were arrested and released on bail this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Judicial Magistrate No.I, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

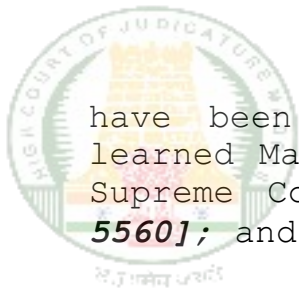
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am., 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;

(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/-
25/03/2021

/ TRUE COPY /

/ /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,
PALAYAMKOTTAI POLICE STATION,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.DHARANI, Advocate (SR-2594[I] dated 26/03/2021)

ORDER
IN
CRL OP(MD) No.4583 of 2021
Date :25/03/2021

AAV
SRS/SMA/30.03.2021/3P/6C

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