



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.9747 of 2021

N.Palaniyappan ... Petitioner/ Sole Accused

Vs

State Rep.by
The Inspector of Police,
Thirukostiyoor,
Sivagangai District.
Cr.No. 102 of 2021..

... Respondent/Complainant

K.Ramesh ... Petitioner/ Intervenor/ Defacto Complainant in
Crl MP (MD) No.5289/21

For Petitioner : M/s.Neethimohan K,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.Kameswaran
Advocate.

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

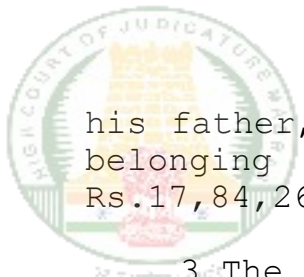
PRAYER :-

For Anticipatory Bail in Crime No.102 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of
the respondent police for the alleged offence punishable under
Sections 465, 468, 472 and 420 IPC, in Crime No.102 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that the petitioner and
<https://hcservices.ecourts.gov.in/hcservices/>



his father, by producing a forged document in respect of a property belonging to the de-facto complainant, obtained a sum of Rs.17,84,268/- from the High Way Authority. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner has already paid a sum of 16,00,000/- to the de-facto complainant and that the balance amount of Rs.2,00,000/- would be paid within a short span of time.

4.The learned counsel for the intervenor submits that the petitioner has come forward to settle the dispute with the de-facto complainant and out of Rs.18,00,000/-, the petitioner has already paid a sum of Rs.16,00,000/- to the de-facto complainant and agreed to pay the balance amount of Rs.2,00,000/- within a short span of time. Based on the same, the de-facto complainant has also made a request to the respondent police to drop further action in this case.

5.The learned Government Advocate (Crl. Side) for the respondent submits that the investigation is yet to be completed.

6.Considering the said submissions of the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly this petition is allowed and 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, Thiruppathur, 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 the 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sj i

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 LEARNED JUDICIAL
JUDICIAL MAGISTRATE, THIRUPPATHUR
- 2 THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THIRUKOSTIYOOR, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.9747 of 2021
Date :14/09/2021

RD/JC/SAR-I (23.09.2021) 3P 5C