



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15770 of 2021

WEB COPY

A.Muthukumar

... Petitioner / Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.511 of 2021).

... Respondent / Complainant

For Petitioner : Mr.P.Gunasekaran,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.511 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

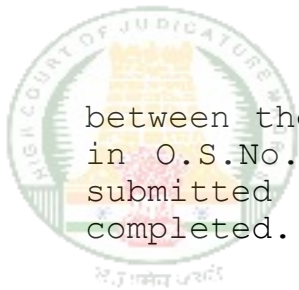
The petitioner/sole accused, who apprehends arrest for the alleged offence punishable under Sections 427, 447 and 379 I.P.C, in Crime No.511 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the own brother of the defacto complainant. After death of their father, the petitioner has stolen the belongings of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submitted that during the life of petitioner's father, he executed a registered Will dated 04.06.2020 bequeathing the property in favour of the petitioner and his Son Harish Kannan. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he seeks for grant of anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that there was a property dispute



between the parties. The defacto complainant has filed a civil suit in O.S.No.29 of 2021 for partition and it is pending. He further submitted that the investigation in this case is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioner, the fact that both parties are close relatives and it is a civil dispute, this Court is inclined to grant anticipatory bail to the petitioner. 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 Judicial Magistrate, Paramakudi, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum 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 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]**; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

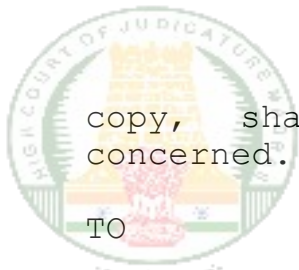
sd/-
20/10/2021

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

PNM/MSA

<https://hservices.ecourts.gov.in/hservices/> 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,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.15770 of 2021
Date :20/10/2021

SB/VR/SAR-II/28.10.2021/3P/5C