



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.15910 of 2020

WEB COPY

R.Muthupandi

... Petitioner/Accused No.6

Vs.

State Rep by
The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli District.
(Cr.No.38 of 2019)

... Respondent/Complainant

For Petitioner : Mr.Rajiv Rufus.V,
Advocate.

For Respondent : Mr.K.R.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.38 of 2019 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.6, apprehending arrest at the hands of the respondent police for the alleged offences punishable under sections 419, 420, 465, 468, 471 and 120 (b) IPC, in Cr.No.38 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has conspired with A2 and created false documents to cheat the defacto complainant and a power deed was executed by the second accused in favour of this petitioner with an intention to sell the defacto complainant's property. Thereby, they cheated the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a poor agriculturist. A2 had executed a power of attorney in his favour. After knowing about the dispute, he had executed a document seeking cancellation of power deed. Cancellation of power deed document was not registered and for the reason that A2 has to pay certain dues.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that there are totally seven accused



in this case. A1, A2, A4 and A5 were already arrested and released on bail and A3 got anticipatory bail.

5. Taking into consideration the fact that A1, A2, A4 and A5 were already arrested and released on bail and A3 got anticipatory bail and substantial part of the investigation is over, this Court feels that the custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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, Special Court for Land Grabbing Court, Tirunelveli, Tirunelveli District, 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]**.

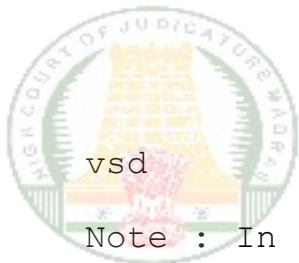
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29.04.2021

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/ /2021

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



vsd

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,
SPECIAL COURT FOR LAND GRABBING COURT,
TIRUNELVELI, TIRUNELVELI DISTRICT
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TIRUNELVELI CITY,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15910 of 2020
Date : 29/04/2021

VB SKN SAR IV(04/05/2021) 3P / 5c