



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.19567 of 2021

J.V.Ashokan @ Ashok

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi District.
(Crime No.206 of 2021).

... Respondent/Complainant

For Petitioner : MR.V.KATHIRVELU, Senior Counsel for
M/s.SAM EUGINE JEBAKUMAR.M

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

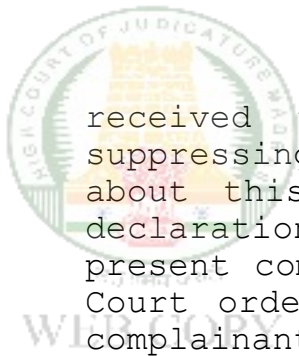
For Anticipatory Bail in Crime No.206 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2.The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Sections
441, 147, 294(b), 506(ii) and 109 IPC, in Crime No.206 of 2021,
seeks anticipatory bail.

3.The case of the prosecution is that the power agent of
one Malarvizhi Madhana lodged a complaint before the respondent
police that with regard to her property, the accused created
fictitious person, entered into agreement for sale without any
right, filed a suit for specific performance, obtained a collusive
decree and with that decree passed by the Court, the property of the
said Malarvizhi Madhana has been illegally transferred to the
accused. The accused have created subsequent story, as if they



received threat, obtained an order for police protection by suppressing the material facts before the Court. On coming to know about this fraud, the defacto complainant has filed a suit for declaration, declaring the sale as null and void and lodged the present complaint as against the petitioner. In the strength of the Court order, the accused have attempted to dispossess the defacto complainant.

4.This petitioner moved anticipatory bail earlier, which came to be dismissed by this Court on 01.10.2021, considering the antecedent of the petitioner.

5.Now, the learned counsel for the petitioner submits that excepting three cases, all other cases pending against him either closed or ended as acquittal and as on date, only three cases are pending against him. To show his bonafide, the petitioner has filed an undertaking affidavit that he will not involve in any further offence and he has also paid a sum of Rs.30,000/- to the Lucia Society for the Blind and other disabled, Thoothukudi.

6.Considering the submission made by the learned counsel for the petitioner and also taking into consideration of the affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, this criminal original 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 Judicial Magistrate Court No.II, Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only)each, with two sureties each for a like sum to the satisfaction of the learned Judge 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 respondent police daily at 10.30 a.m., until further orders.

[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

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



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]**.

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

sd/-

16/12/2021

/ 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.II,
THOOTHUKUDI.
- 2 DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
THOOTHUKUDI CENTRAL POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

ORDER

IN

CRL OP(MD) No.19567 of 2021

Date :16/12/2021

RS/PN/SAR3(22.12.2021) 3P-5C