



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1674 of 2022

Marimuthu

.. Petitioner

Vs.

State represented by
The Inspector of Police,
Thirukkannapuram Police Station,
Thirukkannapuram, Nagapattinam District.
CrimeNo.25 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
by the respondent police in Cr.No.25 of 2021 on the file of the
respondent police.

For Petitioner : Mr. V.Chandrasekaran

For Respondent : Mr. A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
147, 148, 120(b), 406, 420, 448, 468 & 471 of I.P.C, in Crime Number
25 of 2021, on the file of the respondent police, seeks anticipatory
bail.

2. The case of the prosecution is that the petitioner is the
brother-in-law of A1. It is alleged that the defacto complainant
executed power of attorney in favour of A1 with regard to his property
and other business transactions. Thereafter, A1 executed a sale deed
in favour of him without the consent of the defacto complainant. When
the defacto complainant questioned the same, the petitioner along with
other accused threatened her with dire consequences Hence, the
complaint.



3. The learned counsel appearing for the petitioner submits that the petitioner falsely implicated in the case and he has not committed any offence as alleged by the prosecution. He further submits that civil suit is filed by the defacto complainant between himself and the A1 before the District Munsif Court, Nagapattinam in O.S.No.68 of 2021 and the same is pending. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the investigation almost completed and further submitted that A1 is the care taker with regard to the defacto complainant's property and money transaction. He further submits that petitioner along with other accused abused the same and hence the complaint was lodged. He further submitted that co-accused enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also considering that the investigation almost completed and civil suit is pending before the trial Court, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner along with other accused should co-operate for the trial proceedings regularly.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Additional Mahila Judicial Magistrate, Nagapattinam 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall appear before the respondent police on every Tuesday at 10.30.am., 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 has been imposed and the petitioner is 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;

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[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

02/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA
JUDICIAL MAGISTRATE, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE DISTRICT MUNSIF JUDGE
NAGAPATTINAM.

4 THE INSPECTOR OF POLICE,
THIRUKKANNAPURAM POLICE STATION,
THIRUKKANNAPURAM,
NAGAPATTINAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S V.CHANDRASEKARAN Advocate on payment of necessary charges SR.No.1877

CRL OP.1674/2022

Date :02/02/2022

CSK 11/02/2022