



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6168 of 2022

1 GUNAMOORTHY
2 RAMAMOORTHY

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT.
CRIME NO.11/2022.

[RESPONDENT]

For Petitioner : M/S.P.MUTHAMIZHSELVAKUMAR Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

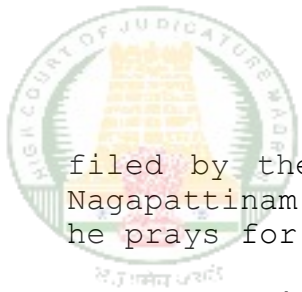
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 420, 465, 468, 471, 477A of IPC in Crime No.11 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are arrayed as A1 and A2. It is alleged that one Pakkirisamy is the owner of the property. Subsequently, he died leaving the defacto complainant as one of the legal heirs. In the mean time, A1 purchased the said property using forged document and subsequently it was sold to the petitioner/A2 who is brother of A1. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3. The learned counsel for the petitioners submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that Civil Suit is



filed by the defacto complainant before the District Munsif Court, Nagapattinam in O.S.No.89 of 2021 and the same is pending. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that this case is under preliminary stage of investigation. He further submits that if the petitioners granted anticipatory bail, there is a possibility of absconding and tampering the evidences and threaten the witnesses, which would create hardship to proceed further investigation. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Considering the statement made by the petitioner herein and since the case appears to be civil in nature, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagapattinam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Fifty Thousand Only), each with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a) the petitioners 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 petitioners shall report before the Investigating Officer as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
28/03/2022

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 JUDICIAL MAGISTRATE,
NO.I, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of necessary charges SR.NO. 4683

CRL OP.6168/2022

Date :28/03/2022

RW 04/04/2022