



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24.01.2022

PRESENT

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.933 of 2022

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... PETITIONER/PETITIONER/
ACCUSED NO.3

VS

THE STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
CENTRAL POLICE STATION,
THOOTHUKUDI (CITY).
(CRIME NO.206 OF 2021).

... RESPONDENT/RESPONDENT/
COMPLAINANT

For Petitioner : Mr.V.Selvakumar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

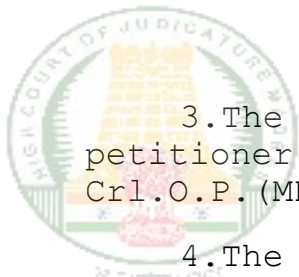
PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A.3, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 441, 147, 294(b), 506(ii) and 109 IPC in Crime No.206 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.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.



3.The earlier petition for anticipatory bail filed by the petitioner was dismissed as withdrawn by order dated 25.11.2021 in Crl.O.P.(MD)No.18494 of 2021.

4.The learned counsel for the petitioner would submit that subsequently after the dismissal of the earlier application, this Court in Crl.O.P.(MD)No.19567 of 2021 has granted anticipatory bail to the first accused vide order dated 16.12.2021. He would further submit that the petitioner in order to show his *bona fide*, is ready and willing to deposit a sum of Rs.30,000/- to the credit of Government of Tamil Nadu, CMPRF.

5.Considering the above facts and circumstances and also the facts that no one sustained injuries in the incident, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and that the first accused was granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner shall pay a sum of Rs.30,000/- (Rupees Thirty Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate No.2, Thoothukudi.

7.On production of such receipt/acknowledgment, 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 learned Judicial Magistrate No.2, Thoothukudi 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 conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 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 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

<https://hsevis.ecourts.gov.in/CaseDetails> **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/-
24/01/2022

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/ /2022

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

COPY TO :

THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT BRANCH,
CHENNAI-9.

ORDER
IN
CRL OP(MD) No.933 of 2022
Date :24/01/2022

USK/PN/SAR-II/27.01.2022/3P/6C