



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.04.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.3685 of 2022

Stephen

... Petitioner/ Single Accused

Vs

The State represented by
The Inspector of Police,
Thisayanvilari Police Station,
Tirunelveli District.
(Crime No.511 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.P.Samuel Gunasingh,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

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

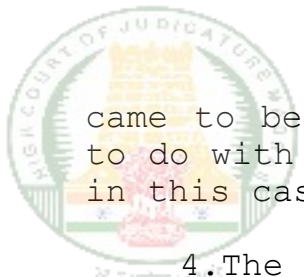
PRAYER :-For Anticipatory Bail in Crime No.511 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 354-A, 420 and 506(1) IPC and Section 4 of TNPHW Act, in Crime No.511 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that when the defacto complainant approached the petitioner, who is working as Deputy Inspector of Surveyor, for mutation of patta for her properties, the petitioner demanded Rs.1,00,000/- for issuance of patta, for which, the defacto complainant had paid the amount to the petitioner and the petitioner after receiving the amount has not issued the patta and misbehaved with her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that though the incident was allegedly occurred on 27.09.2021, the FIR



came to be registered on 31.12.2021 and the petitioner has nothing to do with the alleged occurrence and that he was falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is working as a Deputy Inspector of Surveyor and when the complainant had approached him for mutation of patta for her properties, he came to the house of the defacto complainant and he misbehaved with her and also demanded a sum of Rs.1,00,000/- for issuance of patta and that the defacto complainant had paid Rs.1,00,000/- as per the demand made by the petitioner and thereafter, the petitioner has not issued any patta as agreed by him.

5.The learned counsel for the petitioner would further submit that he had applied for patta transfer order and other proceedings through RTI and they have received the copies and whereunder, it is evident that the Deputy Inspector of Surveyor/present petitioner had visited the property on 14.09.2021, that the proceedings were issued on 19.10.2021 for issuance of the patta, that the contention of the defacto complainant that the alleged incident occurred on 27.09.2021 is a fraudulent one and that even after the issuance of the proceedings on 19.10.2021, the present FIR came to be registered on 31.12.2021.

6.It is seen from the additional typed set of papers that the alleged visit was only on 14.09.2021 and proceedings were issued on 19.10.2021.

7.No doubt, the earlier application for anticipatory bail filed by the petitioner was dismissed by this Court in Crl.O.P.(MD)No.1769 of 2022 vide order dated 10.02.2022.

8.Considering the above facts and circumstances and also the facts that the petitioner is not having any bad antecedents and that investigation might have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.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, Radhapuram, Tirunelveli District, 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 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., for a period of one month and thereafter, as and when required for interrogation.

[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 Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-

05/04/2022

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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,
RADHAPURAM, TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
THISAYANVILAI POLICE STATION, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3685 of 2022

Date :05/04/2022

CSM

MK/VR/SAR.I/11.04.2022/3P/5C

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