



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

Date : 03.03.2022

PRESENT

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

CRL OP(MD). No.4106 of 2022

Shanmugam

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu, represented by
The Sub-Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
(Crime No.198 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.Naresh, Advocate
for Mr.T.R.Jeyapalam, 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.198 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 465, 468 and 471 IPC, in Crime No.198 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and his mother had fraudulently obtained patta in respect of the properties situated in Survey Nos.144/6B2, 170/8A, 95/5B, 27/5C and 49/12B, Thiruppachethi North Village, Thiruppuvanam Taluk and the properties situated in Survey Nos.393/8, 352/3C and 365/3C, Yenathi Village, Thiruppuvanam Taluk, belong to the Subbiah Pillai and the same had not been partitioned.

3.The learned counsel for the petitioner would submit that civil suit is pending and that the first accused was granted anticipatory bail by this Court in Crl.O.P.(MD)No.14880 of 2021



4. In the said order, the learned Judge has observed that as follows:-

"9. The patta with regard to the properties in dispute stands in the name of the petitioner and her son, namely, Shanmugam/A2. The petitioner also executed a mortgage deed in favour of Selvam, who is the brother of the defacto complainant in the year 2012. The said mortgage deed had been registered as Document No.2483 of 2012 on the file of the Sub Registrar, Thiruppuvanam. Apart from that, she also settled some of the properties in favour of her son Shanmugam in the year 2013. The said settlement deed had been registered as Document No.3632 of 2013 on the file of the Sub Registrar, Thiruppuvanam.

10. Considering the facts and circumstances of the case, the age of the petitioner, the registered mortgage deed and settlement deed already executed before the sub Registrar Office, this Court is inclined to grant anticipatory bail to the petitioner."

5. The learned counsel for the petitioner would further submit that the petitioner is working in the Central Reserve Police Force (CRPF) and presently, he is serving in the State of Jammu and Kashmir.

6. The learned Government Advocate (Criminal Side) would submit that civil suit is pending between the parties.

7. Considering the above facts and circumstances and also considering the nature of charges levelled against the petitioner and also the facts that civil suit is pending between the parties and that the first accused was already granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Thiruppuvanam, Sivagangai 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 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/-

03/03/2022

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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,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION, SIVAGANGAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to Mr.T.R.JEYAPALAM, Advocate (SR-1698[I] dated 04/03/2022)

ORDER IN

CRL OP(MD) No.4106 of 2022

Date :03/03/2022

CSM

MK/PN/SAR.I/09.03.2022/3P/6C

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