



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

Date : 05/04/2022

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6019 of 2022

Mohanraj

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
(In Crime No. 192 of 2019).

... Respondent/Complainant

For Petitioner : M/s.Anand R,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.192 of 2019 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 427, 447, 294(b), 506(ii), 468 and 471 IPC, in Cr.No.192 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, namely, P.A.Arumuga Nainar had purchased some lands in favour of his wife and himself and also appointed the petitioner as power agent, who in turn, has executed the aforesaid sale deeds. A2 is one of the vendor. From the date of purchase by way of erecting concrete pillars, the de-facto complainant for the past 23 years has been keeping the property under his custody. On 18.10.2019, ten members team with weapons and JCB machine had damaged the concrete pillar. When the same was questioned by the de-facto complainant, one of the accused threatened him by showing aruval and on enquiry, he came to know that at the instance of A2, the petitioner herein has once again executed a sale deed in favour of A3 and A4. Hence, the complaint.



3.The learned counsel for the petitioner would submit that A2 and A3 are the owners, that A4 is the purchaser and that A4 has already executed a sale cancellation deed, dated 07.11.2019 in favour of the second accused.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that A1 and A4 have already filed a quash petition in Crl.O.P.(MD)No.4199 of 2020 and the same is pending before this Court.

5.Considering the nature of the charges levelled against the petitioner and also the facts that the co-accused was already granted anticipatory bail, that the petitioner is not having any bad antecedents and that the investigation is almost completed as stated by the learned Government Advocate (Crl. side), this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, 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.III, Tirunelveli, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(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 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]***; and;



(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 NO.III,
TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ANAND, Advocate (SR-3028[I] dated 06/04/2022)

ORDER
IN
CRL OP(MD) No.6019 of 2022
Date :05/04/2022

sjj
USK/PN/SAR-I/11.04.2022/3P/6C