



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 18/05/2022

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PRESENT

**THE HON'BLE MRS JUSTICE T.V.THAMILSELVI**

**CRL OP(MD) . No.9144 of 2022**

1. Velmurugan  
2. Solaiyapillai

... Petitioners/Accused No.2 & 3

Vs

State rep.by  
The Inspector of Police,  
Pudukkottai Police Station,  
Thoothukudi District.  
(Crime No.94 of 2022)

... Respondent

For Petitioners : Mr.S.Muthumalai Raja, Advocate.

For Respondent : Mr.M.Sakthikumar,  
Government Advocate (Crl. side)

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

PRAYER :-

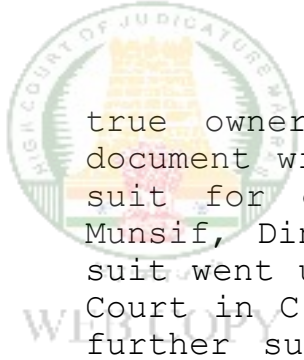
For Anticipatory Bail in Crime No.94 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120B, 420, 465, 467, 468, 470, 471 of IPC, in Crime No.94 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Totally, there are seven accused in this case. The case of the prosecution is that the accused persons jointly conspired and created bogus documents in respect of the property belonging to the defacto complainant and sold the property in the year 2006.

3. The learned counsel appearing for the petitioners submits that the first accused is the purchaser of the property from the



true owners of the property. The second petitioner/A3 is the document writer of the sale deed. The defacto complainant filed a suit for declaration in O.S.No.413 of 2006 before the District Munsif, Dindigul, which was decreed in part. Thereafter, the said suit went up to the second appeal, which is now pending before this Court in C.M.P.(MD)No.3270/2020 in S.A.(MD)SR.No.17744 of 2020. He further submits that during the pendency of the civil case, the present FIR has been lodged. Hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) submits that the petitioners along with other accused persons manipulated the documents and fraudulently obtained patta with regard to the property under dispute. In this case, the investigation is also pending. Therefore, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact that since the second appeal is pending before this Court with regard to the title of the property, there is no possibility of tampering with the evidence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

**[a]** the petitioners 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 petitioners shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of three months and as and when required for interrogation.

**[c]** the petitioners shall not tamper with the 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]**.

Sd/-  
18/05/2022

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23/05/2022  
Sub-Assistant Registrar (C.S.I)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

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TO

1. THE JUDICIAL MAGISTRATE NO.III  
THOOTHUKUDI.
2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,  
PUDUKKOTTAI POLICE STATION,  
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.9144 of 2022  
Date :18/05/2022

SP/VR/SAR I/23/05/2022/3P/5C