



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

Date : 27/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10259 of 2022

WEB COPY

P.S.K.Sivakumar

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
Crime No.59 of 22.

... Respondent/Complainant

For Petitioner : M/s.R.Anand, Advocate for
M/s.Suresh R.M., Advocate.
For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.59 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 467, 468, 471 and 420 IPC @ Sections 467, 468, 471 and 420 of IPC, in Cr.No.59 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused have grabbed the de-facto complainant's property and executed a sale deed and also obtained loan from one Sri Gokulam Chit Funds, Kodampakkam, Chennai, by executing a mortgage deed. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner's name does not find place in the First Information Report, that the petitioner has purchased the property in 2009 and he formed a layout and sold Plot No.156 to the first accused, who in turn sold the property to the de-facto complainant in 2012.

4.No doubt, the first accused had already filed a petition in Crl.O.P.(MD)No.5491 of 2022 and this Court, vide order dated 24.03.2022 has granted interim stay as against the first accused and directed the respondent police to proceed with the investigation as



against the second accused and other accused persons, who involved in the commission of offence.

5.The learned Government Advocate (Crl. side) would submit that the investigation is pending and he has also filed a status report in this regard.

6.Considering the nature of the charges levelled against the petitioner and also the facts that the case as against the first accused has already stayed by the Court in Crl.O.P.(MD)No.5491 of 2022 and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7.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.V, 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 until further orders;

(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/-
27/06/2022

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/06/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

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

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

+1 CC to M/s.R.M.SURESH, Advocate (SR-6236[I] dated 28/06/2022)

ORDER

IN

CRL OP(MD) No.10259 of 2022

Date :27/06/2022

RS/VR/SAR.2 (28.06.2022) 3P-6C