



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP (MD) . No.19061 of 2021

M.B.Thirumalai

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
District Crime Branch
Police Station,
Thoothukudi,
Thoothukudi District
(Crime No.12 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Pragalathan.N., Advocate.

For Respondent : M/s.RMS.Sethuraman,
Additional Public Prosecutor

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

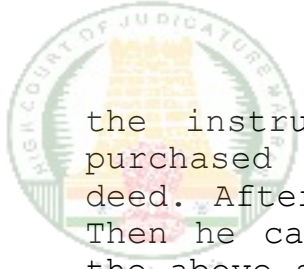
PRAYER :-

For Anticipatory Bail in Crime No.12 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 419, 465, 468 and 420 of I.P.C, in Crime No.12 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the document writer, who was arrayed as fourth accused. The third accused is the Sub-Registrar. The accused Nos.2 & 5 are the land brokers. The defacto complainant wanted to purchase the land. For that purpose, he approached the fifth accused and the fifth accused introduced the second accused to the defacto complainant and as per



the instruction of the second accused, the defacto complainant purchased a plot from the first accused through registered sale deed. After a period of 9 months, one Hameetha, gave a complaint. Then he came to know that originally the said plot was belongs to the above said Hameetha and the first accused acted as impersonator. Then he executed a released deed infavour of the above said Hameetha. Subsequently, a complaint was given by the defacto complainant before the DCB, Tirunelveli, and a case in Crime No.31 of 2019 was registered. Then it was transferred to the respondent police and it was assigned as Crime No.12 of 2020.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that co-accused has been released on bail. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent police submitted that the petitioner is arrayed as A4 in this case and co-accused has been granted anticipatory bail by the learned Principal District Judge, Tirunelveli in CrI.MP.No.10518 of 2019 on 21.10.2019. Subsequently, second anticipatory bail application was filed before this Court, came to be dismissed with some observations and directions.

5. Since the petitioner is being document writer, considering the limited role that has been played by him and also considering the fact that the co-accused has already been released on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.IV, Thoothukudi, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
05/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
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.IV,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19061 of 2021
Date :05/01/2022

SP/JM/SAR I/21/01/2022/3P/5C