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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD). No.17906 of 2022

1. Pasupathi

2. P.Mariappan

... Petitioners/Accused Nos.1 & 5

Vs

The State represented by
the Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.

(Crime No.176/2022)..

... Respondent/Complainant

For Petitioners : M/s.Velrajan.S,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

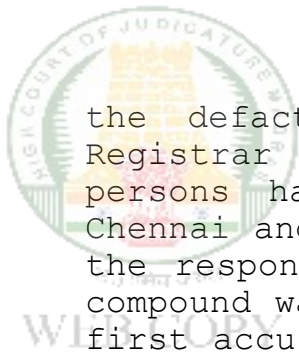
PRAYER :-

For Anticipatory Bail in Crime No.176/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
427, 379 & 109 of IPC in Crime No.176 of 2022, seek anticipatory
bail.

2.The case of the prosecution is that the defacto complainant
is working in the private company. In the year 1996, the defacto
complainant purchased the property for his wife namely Velmmal from
one Thandapani and the sale was registered in Document No.1889/1996.
Taking advantage of this, the first petitioner has made a power of
attorney to the second accused and thereafter, the second accused
has executed a sale deed to the third accused. Despite the same,



the defacto complainant has made a complaint to the Registrar for cancelling the document. Thereafter, the accused persons have made an appeal to the Inspector of Registration, Chennai and the same was dismissed. On 03.05.2022, with the aid of the respondent police, the defacto complainant has constructed the compound wall. Since the registration of the fake document by the first accused was cancelled by the Registrar, the petitioners along with the accused persons demolished the compound wall of the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that investigation is pending.

5. As per the FIR allegation, a fabricated document was created and at the instigation of the other accused, the compound wall was destroyed by the petitioners. It appears that the case is civil in nature. There is no possibility of tampering the evidence.

6.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

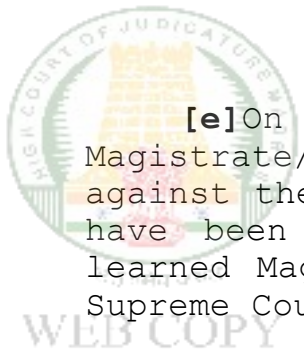
7.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.III, Tirunelveli 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 eight weeks.

[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/-
06/10/2022

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/10/2022

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

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

+1 CC to M/s.R.GANESH PRABU, Advocate (SR-11127[I] dated
10/10/2022)

ORDER
IN
CRL OP(MD) No.17906 of 2022
Date :06/10/2022

RK/GB/SAR- (10/10/2022) 3P/6C