



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/11/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18380 of 2022

Gnanaselvam

... Petitioner/Accused No.4

Vs

The Inspector of Police,
District Crime Branch,
Tirunelveli District.
Cr.No.15/2022.

... Respondent/Complainant

For Petitioner : M/s.Mohideen Basha N,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.15/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 419, 465, 468, 470, 471, 420 & 120(B) of IPC, in Crime No.15 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant approached the land brokers namely, Duraisamy(A3) and Prem Kumar(A2) for the purpose of purchasing land. As per their instruction, he purchased the Plot No.12 situated at Muthulakshmi Nagar, Krishnapuram belongs to one Ilayaraja(A1) vide Doc.No.2146/2021 for total consideration of Rs.8 lakh. Thereafter, the real land owner namely, Palanikumar gave a complaint before the Land Grabbing Cell and on enquiry, it was found that the accused Nos.1 to 3 have created forged document and deceived the defacto complainant. Further, they shared the sale consideration of Rs.8 lakh among themselves. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



against the petitioner is that he got share in the above sale consideration. But, why and how, he got share in the sale consideration has not been mentioned in the FIR. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that A1 namely, Ilayaraja created forged documents as if he purchased the property from the real owner namely, Palanikumar and sold the same to the defacto complainant with the help of petitioner and the other accused and shared the sale consideration among themselves. The investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the role played by this petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner shall pay a sum of **Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.15 of 2022**, without prejudice to his rights and contentions before the trial Court;

7.On such deposit being made, the petitioner is ordered to be released on bail in the event of arrest or on 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.I, Tirunelveli, 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 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 FIF registered under Section 229-A IPC.

sd/-
11/11/2022

/ TRUE COPY /

WEB COPY

/11/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE
NO.I TIRUNELVELI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18380 of 2022
Date :11/11/2022

SS/SSS/SAR III/23.11.2022/ 3P/ 5C