



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30/11/2022

PRESENT

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

CRL OP(MD). Nos.21147 and 21142 of 2022

WEB COPY

1. Natchiyar
2. Murugesh
3. S.Petchimuthu
4. S.Ramesh Kannan

... Petitioners/A1 to A4
in Crl.O.P. (MD)No.21147 of 2022

1. Panneer Dass
2. Selvam

... Petitioners/A5 & A6
in Crl.O.P. (MD)No.21142 of 2022

Vs

The State Rep. By,
The Inspector of Police,
Valliyoore Police Station,
Tirunelveli
(Crime No.274 of 2022).

... Respondent/Complainant
in both petitions

In both petitions:

For Petitioner (in Crl.O.P. (MD)No.21147 of 2022)
: M/s.Saravanakumar C, Advocate.

For Petitioner (in Crl.O.P. (MD)No.21142 of 2022)
: Mr.R.Karunanidhi, Advocate.

For Respondent (in both petitions)
: Mr.M.Veeranthiran,
Government Advocate (Crl.Side)

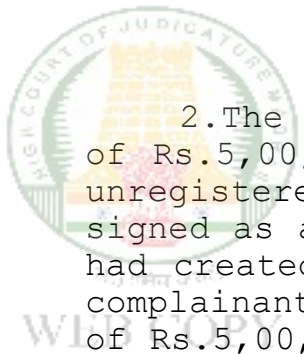
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.274 of 2022 on the file of
the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A6, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
147, 420, 465, 471, 294(b) and 506(i) IPC, in Crime No.274 of 2022,
seek anticipatory bail.



2.The case of the prosecution is that A1 and A2 received a sum of Rs.5,00,000/- from the de-facto complainant and entered into an unregistered sale agreement. In the said agreement, A3 and A4 are signed as attesting witnesses. It is further alleged that A1 to A4 had created a false document forging the signature of the de-facto complainant as the de-facto complainant received an advance amount of Rs.5,00,000/-. Subsequently, A1 and A2 sold the said land to A6, who is the wife of A5. Further, on 16.06.2022, all the accused went to the house of the de-facto complainant, abused him in filthy language and threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

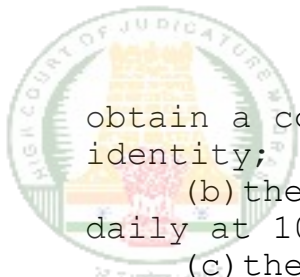
4.The learned Additional Public Prosecutor for the respondent police would submit that A1 and A2 received a sum of Rs.5,00,000/- from the de-facto complainant and entered into an unregistered sale agreement and A3 and A4 are signed as attesting witnesses. They would further submit that A1 to A4 forged the de-facto complainant's signature and created a cancellation of sale agreement and by showing the same, they have registered the sale deed in favour A6. Six witnesses were examined in this case and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the nature of the offence and six witnesses were examined in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners 1 to 4/A1 to A4 shall pay a sum of Rs.1,00,000/- (Rupees One lakh only) and the petitioners 5 and 6/A5 and A6 shall pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.274 of 2022 before the learned Judicial Magistrate Court, Valliyoar, Tirunelveli District, without prejudice to their rights and contentions before the trial Court.

7.On such deposit being made, 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, Valliyoar, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Aadhar card or Bank pass Book to ensure identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners shall not tamper with 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

30/11/2022

/ TRUE COPY /

/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
VALLIYOOR, TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE
VALLIYOOR POLICE STATION, TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SARAVANA KUMAR, Advocate SR-14120[I]

+1. CC to M/S.R.KARUNANIDHI, Advocate SR.No.14017(I).

ORDER IN

CRL OP(MD). Nos.21147 and
21142 of 2022

Date :30/11/2022

SJI

USK/VR/SAR-IV/12.12.2022/3P/7C

<https://www.mhc.tn.gov.in/judis>