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CRL OP(MD).



23

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

Date : 17/04/2023

PRESENT

The Hon`ble Mr.Justice **G.K.ILANTHIRAIYAN**

CRL OP(MD). No.7004 of 2023

Thangamurugan

... Petitioner /
Accused Rank not known

Vs

The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi Disrict.
(Crime No.107 of 2022)

... Respondent / Complainant

For Petitioners : Mr.V.Angusamy, Advocate

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.107 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/rank not known, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 465, 468, 419, 471, 420, 467 and 477A of I.P.C., in Crime No.107 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that one Gopalakrishna Nadar and his brother Ramasamy Nadar have partitioned their family property. By virtue of the partition, each of them has got 12.5 cents comprised in Punja Survey No.621/2 at Thippanampatti Village, Tenkasi Taluk. Both have enjoyed the property and died intestate. Thereafter, the properties have devolved upon their legal heirs. One of the legal heirs of Ramasamy Nadar is Gopalakrishnan/A1 . The specific allegation made by the defacto complainant is that the said Gopalakrishnan/A1 by using the similarity of the original Gopalakrishnan had executed a settlement deed on 16.08.2021 in



respect of the property to which he is not entitled to. He has filed a complaint.

3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. According to the case of the prosecution, on the advice of the petitioner, the transaction was happened and subsequently, the property was transferred in favour of the petitioner. However, the learned counsel for the petitioner would submit that the petitioner is an Advocate and he is the subsequent purchaser.

5. Considering the facts and circumstances of the case and also the fact that it is civil dispute between the parties, the custodial interrogation of the petitioner does not require. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Tenkasi, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on the further condition 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 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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].



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[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

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

RMK

To

1.The Judicial Magistrate,
Tenkasi.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Pavoorchathiram Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-5979[I] dated 18/04/2023)

ORDER
IN
CRL OP(MD) No.7004 of 2023
Date :17/04/2023

ED/MMS/SAR-3 (26/04/2023) 3P 6C