



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

Friday, the Sixteenth day of June Two Thousand and Twenty Three

PRESENT

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

CRL MP(MD) No.8491 of 2023
IN
CRL OP(MD) No.14103 of 2022

KRISHNAN

... PETITIONER/PETITIONER/SOLE ACCUSED

Vs

1 State Rep.by
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TENKASI DISTRICT.
(CRIME NO.7 OF 2022 REGISTERED AT
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT).

... RESPONDENT/COMPLAINANT

2 MARIAMMAL

... RESPONDENT/DE-FACTO COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to modify the condition imposed in the order of anticipatory bail in Crl.O.P.(MD) No.14123 of 2022 dated 08.03.2023 vide Clause (b) by permitting the petitioner to execute the cancellation of release deed by himself alone without expecting his brother and de-facto complainant to take part in the execution of the same in connection with the F.I.R. In Crime No.7 of 2022 pending on the file of the 1st respondent.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ANAND R, Advocate for the petitioner and of MR.B.THANGA ARAVINDH, Government Advocate (Crl.Side) on behalf of the 1st Respondent, the court made the following order:-

This criminal miscellaneous petition has been filed to modify the condition while granting anticipatory bail in Crl.O.P.(MD) No.14103 of 2022, dated 08.03.2023 vide clause (b) by permitting the petitioner to execute the cancellation of release deed by himself alone without expecting his brother and defacto complainant to take part in the execution of the same in connection with the FIR in Crime NO.7 of 2022 pending on the first respondent.



2.While the petitioner was granted anticipatory bail, the Court imposed the following conditions:

[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 execute a cancellation of release deed on or before 23.03.2023 and produce the same before the learned Magistrate at the time of furnishing sureties. It is made clear that the other executive herein, the petitioner's brother and the de-facto complainant shall carry for cancelling the release deed executed in favour of the petitioner herein.

[c] 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;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

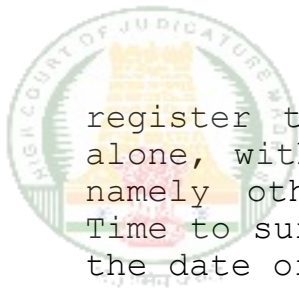
[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

3.Now the learned counsel appearing for the petitioner would submit that the other executant, namely his brother, is not willing to cancel the release deed executed by them in favour of the petitioner herein.

4.The case of the prosecution is that two brothers and one sister executed release deed in favour of the petitioner herein, in which, the wife of the petitioner impersonated as sister of the petitioner.

5.Therefore, the presence of the brothers is not required and in respect of release deed executed by his sister only to be cancelled. Hence, the Sub-Register, Puliyangudi is directed to



register the cancellation of release deed executed by hi
alone, without insisting the presence of the petitioner's brothers,
namely other executants. Accordingly, this petition is allowed.
Time to surrender and execute sureties is extended by two weeks from
the date of receipt of a copy of this order.

sd/-

16/06/2023

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

gns

TO

- 1 THE JUDICIAL MAGISTRATE, SIVAGIRI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, TENKASI DISTRICT.
- 4 THE INSPECTOR OF POLICE, PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE SUB-REGISTRAR,
PULIYANGUDI.
TENKASI DISTRICT.

+1 CC to M/s.R.ANAND, Advocate (SR-9078[I] dated 20/06/2023)

ORDER
IN
CRL MP(MD) No.8491 of 2023
IN
CRL OP(MD) No.14103 of 2022
Date :16/06/2023

RS/SSS/SAR-(26.06.2023) 3P 8C