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CRL OP(MD). N



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

Date : 08/03/2023

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

CRL OP(MD). No.14103 of 2022

K.Krishnan ... Petitioner/Sole Accused

Vs

1. The State rep. by,
The Inspector of Police,
Puliangudi Police Station,
Tenkasi.
Crime No.7 of 2022.

... Respondent/Complainant

2. Mariammal

... Petitioner/Intervener
(IN CRL MP(MD) No.10581 of 2022)

For Petitioner : M/s.Niranjan.S.Kumar,
Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

For Intervenor : Mr.V.Muthu Samundeeswaran

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

PRAYER :-

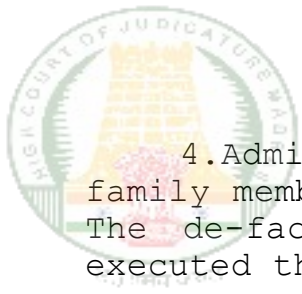
For Anticipatory Bail in Crime No.7 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
420, 468 and 471 of I.P.C., in Crime No.7 of 2022 on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with
his wife, by forging the signature of the de-facto complainant, had
executed a released deed. Hence, the case.

3.Heard. Perused the materials available on record including
https://www.hc.madras.gov.in/ Information Report.



4. Admittedly, the property belonging to the petitioner and his family members including the de-facto complainant. The de-facto complainant along with his brother and mother had executed the release deed in favour of the petitioner herein.

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5. The learned counsel for the petitioner submitted that the release deed not only executed by the de-facto complainant and it was executed along with her brother and mother.

6. It is seen from the release deed, the petitioner's brother Vanniyaperumal is the retired IPS Officer and his mother is no more, hence, the respondent police has failed to register the First Information Report as against them. According to the de-facto complainant, her signature was forged by the wife of the petitioner herein and as such, she had no knowledge about the execution of release deed.

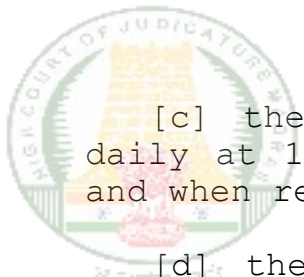
7. The learned counsel further submitted that the petitioner, without prejudice to his rights and contentions before the trial Court, is ready and willing to cancel the release deed executed in his favour.

8. Considering the above said undertaking given by the learned counsel for the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

9. 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, Sivagiri Court, 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 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 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, 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.

sd/-
08/03/2023

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/03/2023

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

SJI

TO

1. The Judicial Magistrate, Sivagiri.
2. Do through the Chief Judicial Magistrate, Tirunelveli District.
3. The Inspector of Police, Puliangudi Police Station, Tenkasi District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.14103 of 2022
Date : 08/03/2023

NA/BUC/SAR-3/20.03.2023/3P/5C

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