



CRL OP(MD). No.13767 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13767 of 2023

Abdul Wahab

... Petitioner/ Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.196 of 2023).

... Respondent/Complainant

For Petitioner : M/s.R.Anand, Advocate
for Mr.Dhilipan Pandian.R.L,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime no.196 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioner/ Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 205, 420, 465, 467 and 472 of IPC in Crime No.196 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution in brief:

One Abdul Sathar as Muthavalli of Ladukhan Thaikkal @ Vadukan Thaikkal Pandaravadai filed a suit in O.S No.300 of 1995 before the Principal District Munsif/Judicial Magistrate, Papanasam, Thanjavur district, for the relief of declaration and other reliefs. In that suit, 24 persons were shown as defendants. The suit was decreed, on 29/11/2008. The second defendant namely Abdul Hameed filed appeal in A.S.No.22 of 2009 before the Additional Sub Judge, Kumbakonam. That was dismissed, on 03/03/2014. E.P.No.20 of 2015 was filed for delivery of possession. During the pendency of the execution proceedings, some of the defendants in the above said suit, approached the fake arbitration tribunal, for award. Based upon the arbitration award, agreement was entered into between the defendants.



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3.The arbitration award was passed by the fake arbitrator. So, the above said arbitration award was sought to be executed through the District Munsif. Against which, CMA(MD)No.813 of 2015 was preferred by one of the appellants before this court. While hearing the above said petition, finding that the fake arbitration award has been passed, this court directed the District Munsif-cum-Judicial Magistrate, Papanasam to lodge a complaint against so called arbitrator, who passed award.

4.Pursuant to the above said order, the Head Clerk attached to the District Munsif-cum-Judicial Magistrate, Papanasam, lodged a complaint. Based upon which, a case in Crime No.196 of 2023 was registered against three persons for the offences under sections 205, 420, 465, 467 and 472 IPC.

5.Seeking anticipatory bail, this petition has been filed by A2 namely Abdul Wahab.

6.Considering the facts and circumstances of the case, interim protection was granted by the order of this Court dated 11.08.2023. Wherein, he has stated that only the first accused is the main reason for the above said issue. By pointing out this the



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learned Additional Public Prosecutor would submit that the interim protection need not be extended and he must be subjected to custodial interrogation. The first accused has already been arrested and later released on bail. The main reason behind the fact is arbitral proceedings can be found out by the respondent during the course of investigation, for custodial interrogation may not be required, since the main accused has been arrested and released on bail. Therefore, the interim protection already granted by this Court is made absolute.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned District Munsif cum Judicial Magistrate, Papanasam, Thanjavur District, 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 the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.



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8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
26/09/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. The District Munsif cum Judicial Magistrate,
Papanasam,
Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjore @ Kumbakonam
3. The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.13767 of 2023
Date :26/09/2023

RK/MGA (06/10/2023) 6P / 6C

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