



CRL OP(MD) No.1104 of 2024

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

Wednesday, the Twenty Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1104 of 2024

C.CHRISTU DHAS

... PETITIONER / SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT.
CRIME NO.16 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.SC.HEROLD SINGH Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.16 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for



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the alleged offence under Sections 420, 465, 468, 471 IPC, in Crime No.16 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and her sister are the owner of the property and they have not executed any document with regard to the said property. However, on 29.08.2022, a document was created by the petitioner by forging signature of the defacto complainant and her sister and prepared a document proposing to be the sale agreement. Hence, the defacto complainant made a complaint before the respondent Police.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Further he would submit that the defacto complainant and her sister entered into a sale agreement with the petitioner on receipt of Rs.5,00,000/- each. As per the agreement, the petitioner has to pay the balance amount for a sum of Rs.3,80,130/- to the defacto complainant's sister and Rs.3,94,900/- to the defacto complainant. Since the defacto complainant failed to execute the sale deed as agreed, the petitioner sent a Lawyer notice on 10.12.2022 and the same was replied by the defacto complainant on 27.12.2022 and a caveat was filed



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on 21.12.2022. Since the defacto complainant failed to execute the sale deed, the petitioner filed a suit for specific performance in O.S.No.3 of 2023 before the District Sessions Court, Kanniyakumari. It is purely civil in nature. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that already the suit for specific performance is pending between the petitioner and the defacto complainant before the concerned Court. Hence, he has no objection to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact it is purely civil in nature and a suit in O.S.No.3 of 2023 is pending before the District Sessions Court, Kanniyakumari, seeking specific performance, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kuzhithurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, each for a



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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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent Police 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]; and;

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



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

sd/-
24/01/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KUZHITHURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATON,
NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1. CC to SC.HEROLD SINGH Advocate SR.No.2283(F) DT: 29/01/2024

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ORDER

IN

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Date :24/01/2024

PKP/GS/SAR /02.02.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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