



CRL OP(MD) No.1943 of 2024

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

Thursday, the Eighth day of February Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.1943 of 2024

SAILAVIJAYARAJA

... Petitioner / Accused No.2

Vs

THE INSPECTOR OF POLICE
VICKRAMASINGAPURAM POLICE STATION
TIRUNELVELI DISTRICT,
(CRIME NO 455 OF 2020)

... Respondent / Complainant

For Petitioner : M/s.R.Anand, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.455/2020 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 the alleged offence under Sections 120(B), 467 and 468 of IPC in Crime No.455 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the disputed property situated at Survey No.162/4, measuring to the extent of 57.9 cents, Sivanthipuram Village was



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belonged to Thiruvaduthurai Aadhinam. Thiruvaduthurai Aadhinam executed a lease deed in favour of the defacto complainant and subsequently she constructed a small house therein and in such a way, she is in enjoyment. The accused persons, for the purpose of grabbing the said property, has created a document as if the leasehold right has been transferred by the defacto complainant in favour of the second accused and based on such documents, Panchayat records in respect of the said property also were made to be changed. The defacto complainant has stated in the complaint that she does not have the habit of putting signature in any document because of her illiteracy, whereas the said 2008 document contains her signature. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case. Further he would submit that the co-accused was granted anticipatory bail. The Writ Petition filed by the petitioner herein before this Court in W.P(MD) No.9372 of 2021 was allowed, quashing the impugned order passed by the District Collector, Tirunelveli in Na.Ka.A8/1485/2020, dated 22.09.2020 and its consequential order passed by the Special Officer, Sivanthipuram Village Panchayat, Ambasamudram, Tirunelveli in C.U.Ka.5/2020, dated 23.09.2020. Accordingly, he prayed for grant of anticipatory bail.



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4. The learned Government Advocate (Crl.Side) would submit that the co-accused was granted anticipatory bail. 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 that the co-accused was granted anticipatory bail, 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, Ambasamudram, Tirunelveli 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 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



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Bank pass Book to ensure their identity;

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(c)the petitioner shall report before the respondent police as and when required;

(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;

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

sd/-
08/02/2024

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

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To தலைவர் அவர்கள்

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1.The Judicial Magistrate,
Ambasamudram, Tirunelveli District.

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

3.The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.

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

ORDER

IN

CRL OP(MD) No.1943 of 2024

Date :08/02/2024

ED/ JGB /SAR- (16/02/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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