



CRL OP(MD) No.2582 of 2024

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

Tuesday, the Twentieth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2582 of 2024

R.P.CHELLIAH

... Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.
(CRIME NO.24/2023)

... Respondent / Complainant

For Petitioner : M/s.V.Janakiramulu, 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. 24/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 419, 468, 471, 420, 120(B), 294(B) and 506(1) IPC in Crime No.24 of 2023, seeks anticipatory bail.



CRL OP(MD) No.2582 of 2024

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2.The case of the prosecution is that the property in Survey No.2467/3B, situated at Ganguvaarpatti Village, Periyakulam Taluk, Dindigul District belongs to the defacto complainant. One Pandi created forged power of attorney. Further, he colluded with the petitioner, had created a registered sale deed in favour of the petitioner. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant executed a registered power of attorney in favour of Pandi on 26.10.1998. Thereafter, the said Pandi was executed sale deed in favour of the petitioner herein and the petitioner also alienated the property in favour of several persons and the revenue records also mutated. He would also submit that it is purely civil dispute and accordingly, he prayed to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police would submit that the investigation in this case is not yet completed.

5.Considering the facts and circumstances of the case and considering the fact that the dispute between the parties appears to be civil in nature, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of



CRL OP(MD) No.2582 of 2024

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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, Theni 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 Bank pass Book to ensure their identity;

(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;

(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



CRL OP(MD) No.2582 of 2024

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/-
20/02/2024

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

GNS

To

1.The Judicial Magistrate,
Theni.

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

3.The Inspector of Police,
District Crime Branch,
Theni District.

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



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CRL OP(MD) No.2582 of 2024

ORDER

IN

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Date :20/02/2024

ED/ GS /SAR- (28/02/2024) 5P / 5C

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