



CRL OP(MD) No.2868 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Friday, the Twenty Third day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2868 of 2024

CHELLAPPA @ JOSEPH SAMUEL

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.T.LENINKUMAR Advocate

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

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.24 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, 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.



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2.The case of the prosecution is that the property in Survey No.2467/3B, situated at G.Meenakshipuram, belongs to the defacto complainant. One Pandi created a forged power of attorney as if the defacto complainant appointed him as her Power Agent and on the strength of the same, Pandi sold the property in favour of the accused No.1 and thereafter, several transactions had taken place. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person 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 has executed a sale deed in favour of the accused No.1 and the accused No.1 also alienated the property in favour of several persons and the revenue records were also mutated. He would also submit that it is purely a civil dispute between the parties and there is no specific overt act against the petitioner. Accordingly, he prayed to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that the investigation in this case is not yet to be completed.



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5.Considering the facts and circumstances of the case and 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 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;



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(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 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/-
23/02/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB



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TO
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- 1 THE JUDICIAL MAGISTRATE
THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-2357[I] dated 26/02/2024)

ORDER
IN
CRL OP(MD) No.2868 of 2024
Date :23/02/2024

SS/VR/SAR- /01/03/2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023