



CRL OP(MD). No.21609 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.21609 of 2024

Charles Jebakumar

... Petitioner/ Accused No.5

Vs

The State of Tamilnadu,
Rep By, The Inspector of Police,
District Crime Branch,
Kanyakumari District at Nagercoil,
Cr.No.38 of 2023.

... Respondent/ Complainant

For Petitioner : Mr.J.David Ganesan, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.38 of 2023 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120B, 420, 465, 468, 471 of I.P.C., in Crime No. 38 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the mother of the defacto complainant owned certain properties. She executed a settlement deed in the year 1996 with respect to 1 Acre of land, out of 2 Acres and 38 cents in favour of the defacto complainant. The remaining land of 1 Acre 38 cents was bequeathed in favour of her other son Henry John through a Will, dated 27.12.1996. After the Will was registered, the mother sold away 12 cents of land in the year 1998 and another 16 cents of land in the year 1999 and 5 cents of land in the year 2000. The mother died in the year 2001. After her demise, her son Henry John sold 25 cents of land in the year 2002 and 1 cent in the year 2004. The said Henry John, thereafter, settled an extent of 1.71 cents of land in favour of his wife. He once again settled 15 cents of land in the same survey number in favour of his wife. Thus, the said Henry John created various documents in favour of his wife and ultimately, A1 sold 50.77 cents in favour of the petitioner, who has been arrayed as A5. She also sold 57.75 cents in favour of Vijaya Jayakumar in the year 2007. Thus, the allegation of the defacto complainant is that A2



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to A4 have created documents in order to grab the property, which belongs to the defacto complainant. There are totally 5 accused persons and the petitioner is arrayed as A5.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

4.Taking into consideration of the facts and circumstances of the case and considering the fact that the entire case is borne out by records, A1 to A4 were granted anticipatory bail by this Court in Crl.O.P(MD) No. 12271 of 2023 dated 05.10.2023 and considering the fact that the petitioner is only a subsequent purchaser, this Court is inclined to grant anticipatory bail. to the petitioner with certain conditions:

5.Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory 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 petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate 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;



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[g] if the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS Act.

sd/-
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Sub-Assistant Registrar (CS-I / II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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,
Kanyakumari District at Nagercoil,
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.DAVID GANESAN, Advocate (SR-15177[I] dated 10/12/2024)

ORDER
IN

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Date :09/12/2024

RK/SKN (16/12/2024) 5P / 6C

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