



CRL OP(MD) No.22199 of 2023

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22199 of 2023

C THANGADURAI

... PETITIONER /SOLE ACCUSED

Vs

**THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH @ NAGERCOIL,
KANYAKUMARI DISTRICT.
(CRIME NO.46 OF 2023)**

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.JEGADEESWARAN,Advocate

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

For Intervener : MR.M.RAMU, Advocate

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

PRAYER:

**FOR ANTICIPATORY BAIL IN CRIME NO. 46 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
<https://www.mhc.tn.gov.in/judis>



CRL OP(MD) No.22199 of 2023

the alleged offence under Sections 420, 465, 468 and 471 of IPC in Crime No.46 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the disputed property in Survey No.468/1 and 468/3 measuring about 11 Acres and 28 Cents belongs to Thirukailaya Paramaparai Thiruvadudurai Aathinam, Suseendram, Kanyakumari District. The said property was leased out in favour of one Balasundaram Pillai. The said Balasundaram Pillai is in possession of the property. This petitioner created a fake lease deed, dated 24.10.2012. On the basis of the above said fake lease deed, the petitioner filed a suit in O.S.No.44 of 2007 before the I Additional District Munsif Court, Nagercoil, in order to claim title over the property, that was partly allowed, by granting permanent injunction and in respect of the relief of declaration, it was dismissed. Aggrieved over the same, the said Thiruvadudurai Aathinam, preferred A.S.No.45 of 2009 and it was allowed on 02.03.2010, against which, S.A.No.65 of 2011 was filed by the petitioner before this Court and the same was dismissed as withdrawn. In the meanwhile, Officer of Thiruvadurai Aadhinam preferred a complaint before the respondent Police, stating that the petitioner created a fake lease deed as Thiruvadudurai Aathinam created a lease deed in favour of the petitioner.

The respondent Police after completing the investigation, filed a Charge Sheet in

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CRL OP(MD) No.22199 of 2023

C.C.No.77 of 2018 before the learned Judicial Magistrate Court No.I, Nagercoil. Challenging the same, the petitioner filed a petition in Crl.O.P(MD) No.6297 of 2019 before this Court and the same was allowed on 02.09.2022, with liberty to the Thiruvadurai Aadhinam to lodge a fresh complaint. Thereby, the present complaint has been filed.

3. The learned counsel appearing for the petitioner would submit that that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Originally, Thiruvadurai Aadhinam created a lease deed in favour of the petitioner dated 24.10.2012, based upon which, the petitioner enjoyed his possession and subsequently, he put a tenant in that place. Thereafter, the petitioner filed a suit in O.S.No.79 of 2013 in I.A.No.320 of 2013 before the Principal District Munsif Court, Nagercoil, and the same was granted injunction as prayed by the petitioner on 31.10.2013. When the suit is pending in respect of one lease deed, the defacto complainant lodged a complaint against the same lease deed is not sustainable one. Hence, he prays for grant of anticipatory bail.

4. The learned counsel for the intervenor would submit that admittedly a forged



CRL OP(MD) No.22199 of 2023

lease deed was created by the petitioner dated 24.10.2012 and the same was revealed in the earlier suit filed for declaration also. Hence, he opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl.Side) would submit that after completing investigation, Charge Sheet was filed. The petition filed by the petitioner to quash the Charge Sheet in C.C.No.77 of 2018 was allowed in the year 2022 by this Court with liberty to the Thiruvadurai Aadhinam to lodge a fresh complaint. Based on which, he filed the present complaint against the petitioner.

6. The learned counsel for the petitioner would further submit that the petitioner is ready to co-operate with the investigation and he is ready to appear before the respondent Police.

7. Considering the facts and circumstance of this case and also considering the fact that it is a civil dispute between the parties, I am inclined to grant anticipatory bail to the petitioner.

8. 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



CRL OP(MD) No.22199 of 2023

fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari 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 Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.3 a.m., till conclusion of the trial;

(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

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CRL OP(MD) No.22199 of 2023

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/-
04/01/2024

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/01/2024
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.I
NAGERCOIL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH @ NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD) No.22199 of 2023

+1 CC to M/s.R.JEGADEESWARAN, Advocate (SR-179[I] dated 05/01/2024)

ORDER
IN

CRL OP(MD) No.22199 of 2023

Date :04/01/2024

PKP/VR/SAR- /11.01.2024/ 7P/ 6C

Madurai Bench of Madras High Court is issuing certified
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