



CRL OP(MD) No.23451 of 2023

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

Tuesday, the Second day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.23451 of 2023

RAJAN @ VARATHARAJAN

... PETITIONER / ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
TIRUNELVELI CITY,
TIRUNELVELI.
(IN CRIME NO.27 OF 2023).

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.VELRAJAN.S Advocate

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

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.27 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

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the alleged offence under Sections 465, 467, 468, 471 and 420 IPC in Crime No.27 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has purchased the property in plot Nos.176 and 177 in Survey No.249/9 situated in Dhanalakshmi B Nagar at Munneerpallam Village, Tirunelveli District, from the first accused on 05.05.1994 and in order to grab the defacto complainant's property, the first accused has sold the property to the second accused, based on which, the second accused has executed a sale deed in favour of the accused 3 to 5, who in turn, executed a forged sale deed in favour of the 6th accused. Thereafter, the accused 3 to 5 executed a sale deed in favour of the 7th accused in respect of southern portion of the plot No.177 and executed a sale deed in favour of the 8th accused in respect of northern portion of the plot No.177. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that it is purely a civil dispute and instead of approaching the civil Court, the defacto complainant has made a criminal complaint before the respondent Police against the petitioner. Hence, he



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prays for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet completed.

5. Considering the facts and circumstances of the case and the fact that it is appears to be civil dispute between the petitioner and the defacto complainant, 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 No.1, Tirunelveli, 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



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stand automatically cancelled;

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(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 one week and thereafter, 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 229-A IPC;

sd/-
02/01/2024

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/01/2024
Sub-Assistant Registrar (CS-I/ II/ III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

ssb

To

1. THE JUDICIAL MAGISTRATE NO.1, TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3.THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI CITY,
TIRUNELVELI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.VELRAJAN, Advocate (SR-12[I] dated 02/01/2024)

ORDER IN
CRL OP(MD) No.23451 of 2023
Date :02/01/2024

RK/VR (10/01/2024) 5P / 6C

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