



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

Monday, the Sixteenth day of February Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2683 of 2015

WEB COPY

GANESAN

... PETITIONER/ACCUSED A4

Vs

STATE REP BY THE INSPECTOR OF POLICE

ANTI LAND GRABBING CELL, RAMANATHAPURAM.

CR.NO.49 OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.UTHAYAKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 419, 420, 423, 465, 468, 471, 294(b), 506(i) IPC in Crime No.49 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. This the second anticipatory bail application. The first anticipatory bail application in Crl.O.P.No.986 of 2015 was dismissed on 22.01.2014.

3. It is the case of the prosecution that the property in question belongs to an old lady by name Ameea Beevi, aged about 77 years and that her son is abroad. The said Ameena Beevi had given her property for rent to various persons and on account of old age, she was not able to go and collect the rent. Therefore, she asked her relative by name Hameed Mansoor(A1) to collect the rent, who exploiting the trust reposed on him, took the service of this petitioner for preparing a bogus power of attorney as if the said Ameena Beevi has appointed him as her power agent. The power of attorney was registered in the office of the Sub Registrar, Keelakarai on 22.09.2014 by impersonating original Amitha Beevi.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) appearing for the State.

5.The learned counsel for the petitioner submitted that the petitioner is merely a document writer and he had only prepared a power of attorney and he had nothing to do with the registration of the power deed. While deciding the earlier anticipatory bail application, this Court did not go through the confession statement of the first and second accused, who were already arrested by police.



6. Today on a careful scrutiny of the confession statement of the arrested accused, it is seen that they have not implicated this petitioner because the petitioner is only a document writer, who had prepared the power of attorney deed.

7. Under such circumstances, I am inclined to grant anticipatory bail to the petitioner. 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 Special Judge for Anti Land Grabbing Cell, Ramnad, 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] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate (Crl.side) as to whether the petitioners are complying with the order or not.

sd/-

16/02/2015

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SPECIAL JUDGE FOR ANTI LAND GRABBING CELL, RAMNAD
- 2 THE INSPECTOR OF POLICE, ANTI LAND GRABBING CELL, RAMANATHAPURAM.
- 3 THE ADDL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.A.UTHAYAKUMAR Advocate SR.No.7369

ORDER

IN

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Date :16/02/2015