



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

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1466 of 2018

NAGARAJAN

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
(CRIME NO.432 OF 2016)

... RESPONDENT / COMPLAINAN

For Petitioner : M/S.N.MOHIDEEN BASHA, Advocate

For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 and 423 of IPC., and Section 83 of Registration Act, 1908, in Crime No.432 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had purchased agricultural land to an extent of 3.00 acres comprising Survey Nos.2882/2 & 2883/2, situated at Genguvarpatti Village within the limit of Batlagundu Sub Registrar Office from one Amala, W/o. Immanuel, who is holding the Power of Attorney from her daughter and her two sons as legal heirs of the said Immanuel and the sale deed in favour of the defacto complainant was executed on 17.06.2014. It is further alleged that A1 had purchased the said property through A2/petitioner herein which was attested by A3 & A4 by fraudulent manner vide Doc No.1160/2013, dated 22.03.2013 as if the said Immanuel had executed the sale deed, whereas the said Immanuel died on 30.01.1999 itself. Hence, a private complaint was filed by the defacto complainant on 09.11.2016 before the learned Judicial Magistrate, Nilakkottai and the said complaint was endorsed by the learned Judicial Magistrate in Cr.M.P.No.4650/2016 and the same was forwarded under Section 156(3) Cr.P.C. to the respondent herein and based on the instruction given by the learned Judicial Magistrate, the respondent police filed FIR on 18.12.2018.



3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution and he has been falsely implicated in this crime. Hence, he pleads for grant of anticipatory bail to the petitioner.

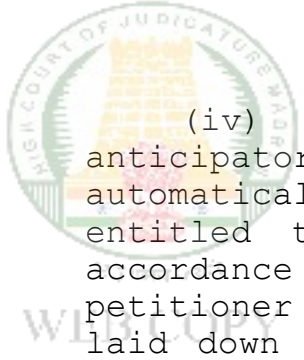
4. The learned Government Advocate (Criminal Side) submitted that A3 was arrested and based on his confession, this petitioner was implicated in this crime. Further, he added that preliminary investigation reveals that the property originally belongs to one Imanuel and this petitioner in collusion with the other accused created a forged sale deed as if the said Imanuel executed the sale deed in his favour and sold the property to other accused. He further submitted that the investigation is still pending.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner being the confirming party signed in the sale deed executed by some forged persons, as if purchased from one Immanuel. Now as per the case of the petitioner, the said Immanuel was introduced by A3 and A4. Admittedly the petitioner is the resident of Coimbatore. Apart from the land mentioned in this petition, he purchased some other properties for his business purpose. So, whether the petitioner is having the dishonest intention or not has to be identified only at the time of trial. The evidence to be collected by the investigation agency is are all available only in the form of registered documents. Hence, considering the nature of offence committed by the petitioner, custodial interrogation may not be necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall not abscond either during investigation or trial;



(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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].

sd/-
01/02/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, DINDIGUL.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
 3. THE INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.1821

ORDER
IN
CRL OP(MD) No.1466 of 2018
Date :01/02/2018

MS/CM-VR/SAR.4/06.02.2018/3P.6C