



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

Wednesday, the Twenty First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1731 of 2018

ABDUL HAJEE

... PETITIONER / ACCUSED

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TRICHY DISTRICT
(CRIME NO.13 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.SENTHIL KUMAR Advocate

For Respondent : Mr.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, who is arrayed as accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 468, 471 and 420 of IPC, in Crime No.13 of 2015, seeks anticipatory bail.

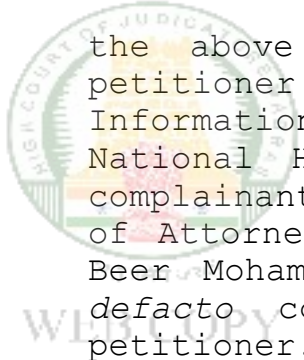
2.The case of the prosecution is that the petitioner and the other accused are alleged to have created some fabricated documents and sold the housing plots to one Karunanithi and from the said Karunanithi, the defacto complainant has purchased two Plots on 10.08.2001. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is not yet completed.

5.The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged, on 10.08.2001, the defacto complainant purchased Plot No.405 in S.Nos.102/1, 234/2 situated at Samayapuram Village from one Karunanithi and the said property was purchased by



the above said Karunanithi from one Abdul Hajee, who is the petitioner herein. As per the averments made in the First Information Report, excluding the field, which was acquired by the National Highways Authority, the plot purchased by the defacto complainant was sold to one Anitha and Thilagavathi, by using Power of Attorney, which was executed by one Kulam Kathar in favour of Beer Mohammed. The offence committed in the year 2013 and the defacto complainant did not make any allegation against the petitioner. Since the Power of Attorney is a crucial document executed by one Kulam Kathar, the role played by the petitioner herein has to be identified only at the time of trial and not now. Therefore, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

7. 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 Judicial Magistrate No.III, Trichy, 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 appear before the respondent Police daily 10.00 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 petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

sd/-
21/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.III
TRICHY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TRICHY DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to Mr.T.SENTHIL KUMAR Advocate SR.No.2804

JAM/26/02/2018/PM-PN/ SAR 1/3P-6C

ORDER

IN

CRL OP(MD) No.1731 of 2018

Date :21/02/2018