



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

Wednesday, the Fifth day of December Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) No.21482 of 2018**

1 SARON RAJA

2 MAHESH

... PETITIONER / ACCUSED No. 3 & 5

Vs

THE STATE REP. BY,  
THE INSPECTOR OF POLICE  
SIPCOT POLICE STATION,  
THOOTHUKUDI,  
THOOTHUKUDI DISTRICT.  
(CRIME NO. 478 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.A.THIRUVADI KUMAR Advocate

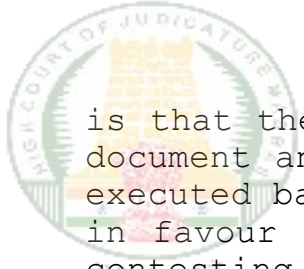
For Respondent : MR.K.SUYAMBULINGA BHARATHI  
Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehending arrest at the hands of the respondent police for the offence punishable under Section 120B, 420, 467 and 468 of I.P.C., in Crime No.478 of 2018, seek anticipatory bail.

2. It is the case of the prosecution is that the petitioners who are accused nos.3 & 5. Totally there are six accused in this case and one Ganapathy had inherited several properties and one of the property is an extent of 15 cents in S.No. 488/2 in Meelavittan Village. This property was sold by Ganapathy to M.Pothi Konar and M.Murugesan vide sale deed dated 14.09.1983 in Document No.673 of 1983. Thereafter the property devolved to various purchasers, finally, the defacto complainant had purchased the property on 20.07.2012. The first accused in this case had impersonated as Ganapathy in the year 2012 and had executed a sale deed in favour of second accused and the second accused had executed a power of attorney to fifth accused and the third accused is the attesting witness to the document. The allegation of the petitioners



is that the first petitioner is the attesting witness to the forged document and the second petitioner is the power of attorney who had executed based on the forged document and had executed the sale deed in favour of sixth accused. Admittedly, first petitioner is only a contesting witness for which no property can be attached to him further the second petitioner is being a power of attorney holder believing the second accused had executed a sale deed on behalf of the accused no.2 to 6.

3. The learned counsel for the petitioners would submit that they have been falsely roped in the present case and that the petitioners are not beneficiary to the transactions.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent.

5. Considering the facts of the case, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-III, Thoothukudi on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

**[a]** if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

**[b]** the petitioners shall report before the respondent police daily at 10.30 a.m., without fail, until further orders.

**[c]** the petitioners shall not tamper with evidence or witness either during investigation or trial.

**[d]** the petitioners shall not abscond either during investigation or trial.

**[e]** On breach of any of the aforesaid conditions, 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]**.

**[f]** If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
05/12/2018

/ TRUE COPY /

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



1 THE JUDICIAL MAGISTRATE III  
THOOTHUKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE  
THOOTHUKUDI

3 THE INSPECTOR OF POLICE  
SIPCOT POLICE STATION, THOOTHUKUDI,  
THOOTHUKUDI DISTRICT .

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

+1. CC to MR.A.THIRUVADI KUMAR Advocate SR.No.22765

ORDER  
IN  
CRL OP (MD) No.21482 of 2018  
Date :05/12/2018

MSI/JC/SAR-I/14.12.2018-3P/6C