



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

Thursday, the Twenty Fifth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.15982 of 2017

1 R.P.RAMKUMAR
2 DEEPA

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING WING,
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.
(CRIME NO.31/2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.J.LAWRANCE, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Crl. Side)
For Intervenor : M/S.S.THIRUPATHY, Advocate

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

ORDER : The Court Made the following order :-

The petitioners who are arrayed as A2 and A3, apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 120(b), 420, 465, 468 and 471 of IPC., in Crime No.31 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the first accused in collusion with the petitioners and others have created fabricated documents as if he has executed a sale deed on 25.09.2017 in favour of the 2nd petitioner, thereby they committed offences of fabrication of documents and cheating.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and the second petitioner has purchased the property only after verifying the ownership of the first accused and hence, pleads for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl. Side) submitted that investigation is still pending.



5.The submissions made on either side are considered. It is alleged that during the time of occurrence, the petitioner herein created a bogus patta and sold the property which is in dispute, in favour of some other accused. But, as per the sale deed, dated 25.09.2017, the second petitioner herein purchased the property from one Sudhakar who is the first accused in this case. Whether this petitioners having conspiracy or not is a matter for evidence. However, the evidence to be collected in this case which was necessary for completing the investigation is in the form of registered document.

6.Taking all the above said aspects into consideration and having regard to the nature of offence, this Court comes to the conclusion that in order to complete the investigation, custodial interrogation is not necessary. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 No.II, Dindigul, on condition that each of the petitioners 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 petitioners shall report before the respondent/Police, daily at 10.00 a.m. until further orders;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners 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/-
25/01/2018

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



TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE, ANTI LAND GRABBING WING,
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.

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

+1. CC to M/S.J.LAWRANCE Advocate SR.No.1427

ORDER

IN

CRL OP (MD) No.15982 of 2017

Date :25/01/2018

MS/CM-VR/SAR.1/01.02.2018/3P.6C