



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.16845 of 2017

1 M.VINOTH KUMAR

2 MUTHUPANDI

... PETITIONERS/ACCUSED Nos.4 & 5

Vs

STATE REP BY

THE INSPECTOR OF POLICE

ANTI LAND GRABBING WING, DISTRICT CRIME

BRANCH, DINDIGUL DISTRICT

(CRIME NO.31 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.J.LAWRANCE 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 petitioners who are arrayed as A4 and A5, 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 one Deepa, 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 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. As per the case of the prosecution, the petitioners herein are the attestors in the sale deed executed between the first accused and other accused in this case.

6. Taking all the above said aspects into consideration and having regard to the nature of offence and considering the role played in the alleged 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 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.1428

ORDER
IN
CRL OP (MD) No.16845 of 2017
Date :25/01/2018

SMA/CM-VR/SAR-2/31.01.2018:3P/6c