



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

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16965 of 2017

N.RAMASAMY

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL,
DISTRICT SUPERINTENDENT OF POLICE CAMPUS,
IN CR.NO.29/2017,
DINDIGUL DISTRICT

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SUBASH BABU Advocate

For Respondent : MR.K.S.DURAI PANDIAN Additional Public Prosecutor

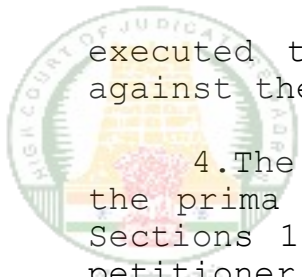
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No. rank not known, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 120(b), 419, 420, 465, 468 and 471 of IPC, in Crime No.29 of 2017, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's husband got the property through assignment and after the demise of her husband while she obtained encumbrance certificate, where she found that the property stands in the name some other person and she came to know that the petitioner and other accused by creating a forged document transfer the property in his name. Hence, the defacto complainant lodged a complainant before the respondent police.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and did not commit any offence as alleged by the prosecution. Originally the 3rd accused has executed a sale deed in favour of the 2nd accused Thangavel on 30.01.2015 through registered sale deed No.69/2015. After the purchase the 2nd accused is in possession and enjoyment of the property, since he is the father of 2nd accused he has been implicated in this case. Even according to the defacto complainant the 3rd accused has created a forged document as if he is the defacto complainant's husband and



executed the property to the 2nd accused. There is no overt act against the petitioner.

4. The learned Additional Public Prosecutor would submit that the prima facie case is made out for the offence punishable under Sections 120(b), 419, 420, 465, 468 and 471 of IPC, admittedly the petitioner has signed in the document which was alleged to be forged this case.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned Additional Public Prosecutor and accordingly there is no overt act is against the petitioner and due to which custodial interrogation is not necessary for completing investigation and further the petitioner being aged about 65 years, I am 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Dindigul, on condition that the petitioner 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 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 at 10.00 a.m. for a period of three weeks, thereafter as and when required for interrogation;
- (ii) the petitioner shall make himself available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iv) the petitioner shall not abscond either during investigation or trial;
- (v) the petitioner shall not commit any offence while on bail;
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/trial Court is entitled to take appropriate action against the petitioner in accordance with law and the anticipatory bail granted stands cancelled automatically.

sd/-
02/01/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRTE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL, DISTRICT
SUPERINTENDENT OF POLICE CAMPUS,
DINDIGUL DISTRICT

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

+1. CC to M/S.M.SUBASH BABU Advocate SR.No.46

ORDER

IN

CRL OP(MD) No.16965 of 2017

Date :02/01/2018

MKV-PM-PN-SAR 4/4.1.2018/3P-6C