



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

Wednesday, the Nineteenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.21711 & 22041 of 2018

ALAGAPPAN

... PETITIONER / ACCUSED NO.1
(IN CRL OP(MD)NO.21711/2018)

S.VIMAL SEKAR @ VIMALA SEKAR

...PETITIONER / ACCUSED NO.2
(IN CRL OP(MD)NO.22041/2018)

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME .NO.157 OF 2018)

... RESPONDENT / COMPLAINANT
(IN BOTH PETITIONS)

For Petitioner : Mr.S.M.SANJAY Advocate
(IN CRL OP(MD)NO.21711/2018)

For Petitioner : Mr.S.K.KAMESWARAN Advocate
(IN CRL OP(MD)NO.22041/2018)

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)(IN BOTH PETITIONS)

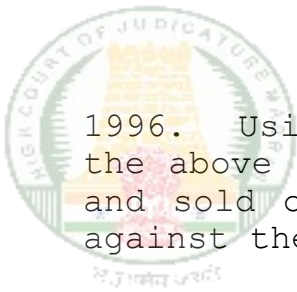
For Intervenor : Mr.B.MURUGANANDAM Advocate
(IN BOTH PETITIONS)

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 467 and 468 of I.P.C., in Crime No.157 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely Annamalai having his ancestral property situated at Kundrakudi Village, S.No.167/1, to an extent of 3 acre 59 cents. The above said properties sold out by the first and second accused by creating forged documents and by impersonation with the help of three accused, who had been working as VAO as early as in the year



1996. Using the above forged document, the second accused divided the above said land into house plots in the name of "Kumaran Plots" and sold out to various persons. Hence a case has been registered against the petitioners herein.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offences as alleged by the prosecution and they have as been falsely implicated in this case. The defacto complainant has got any reservation over the document or objection he has to approach before the civil Court. Therefore, he may be granted anticipatory bail.

4. The learned counsel for the defacto complainant submitted that A1 and A2 along with A3 involving themselves in the commission of offence criminal conspiracy committed serious offences of impersonation, fabrication of fake and fictitious documents. A1 and A2 continuation of the said offence have made false declaration before the registering authority as if first accused obtained a power of attorney from one Veera. Murugappa Chettiar, who was claiming to be a owner of the property and fraudulently sold few extents in the ancestral properties of the petitioners to third parties.

5. The learned Government Advocate (Criminal side) on verification of of documents from the Revenue Authorities submitted that the defacto complainant has not produced any document to make his claim and further submitted that a detailed enquiry and the investigation is pending.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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, Karaikudi, 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] the petitioners are directed to appear before the respondent police daily at 10.30 a.m and to co-operate with the investigation until further orders.

[b] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[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 herself 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/-

19/12/2018

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

TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI.

2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGI DISTRICT.

3 THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to MR.S.M.SANJAY Advocate SR.No.23764

+1. CC to MR.S.KAMESWARAN Advocate SR.No.23676

+2. CC to Mr.B.MURUGANANDAM Advocate SR.No.23684,23685

PS/VR-SAR-4/27.12.2018/3P/9C

ORDER

IN

CRL OP(MD) Nos.21711 & 22041 of 2018

Date :19/12/2018