



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

Friday, the Fifth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) No.17820 of 2018

1.A.BAGAVATH SINGH

2.A.BASKARAN

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

THE INSPECTOR OF POLICE
ANTI-LAND GRABBING WING,
THENI DISTRICT,
(CRIME NO.32/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.P.MUTHUPANDIAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI,
Government Advocate (Crl. Side)

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 465, 466 and 471 I.P.C., in Crime No.32 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's mother has executed a power of attorney in favour of A2. A2 intun had sold the property in favour of A1, in his capacity as power of attorney agent on 01.11.2011. It is the case of the prosecution that the mother of the defacto complainant had died on 27.04.2011 and after her death, the power of attorney has been used by A2 to execute the sale deed in favour of A1. Therefore, that very sale deed that has been executed by A2 in favour of A1 is Null and Void and is a fabricated false document.

3.The learned counsel for the petitioners would submit that it is a fact that the mother of the defacto complainant had executed a power of attorney in favour of A2. A2 was not aware of the death of the mother of the defacto complainant and based on the power of attorney, he had executed a sale deed in favour of A1. He would further submit that A1 was subsequent purchaser and he has no knowledge about the death of the mother of the defacto complainant.



4.The learned Government Advocate would submit that A1 and A2 have entered into a criminal conspiracy and knowing well about the death of the mother of the defacto complainant, have misused the power of attorney and created a false sale deed.

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5.The entire is case borne out by records. The prosecution has to seize the document, which are now in possession of the petitioners and complete the investigation as expeditiously as possible. The custodial interrogation of the petitioners are not required.

6.In the considered view, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Theni District (Special Court for Anti land Grabbing) and on their executing 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 learned Magistrate concerned and on further condition that

(i)the petitioners are directed to deposit original power of attorney deed and also the sale deed executed in favour of A1, before the Court below at the time of surrender;

(ii)the respondent police is entitled to collect those documents, by filing a memo before the Court below and make those documents as a part of materials in the course of investigation;

(iii)the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders.

7.The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
05/10/2018

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



TO

1. THE JUDICIAL MAGISTRATE,
(SPECIAL COURT FOR ANTI LAND GRABBING),
THENI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING WING,
THENI DISTRICT.

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

+1. CC to MR.A.P.MUTHUPANDIAN Advocate SR.No.19082

ORDER

IN

CRL OP(MD) No.17820 of 2018

Date : 05/10/2018

AE/JC/SAR4/11.10.2018/3P/6C