



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

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.1458 of 2019

J. SANJEEV KUMAR BAID

... PETITIONER / ACCUSED No. 3

Vs

THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
RAMANATHAPURAM DISTRICT,
RAMANATHAPURAM.
CR.NO.1 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.M.ARUMUGAM Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

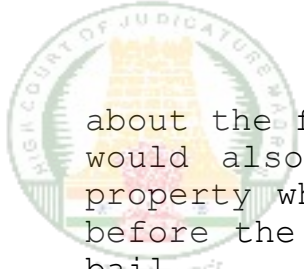
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465,467,468,420 r/w.120(B) of IPC in Cr.No.1 of 2019 seeks anticipatory bail.

2. The case of the prosecution is that the property to an extent of 2 Acres 93 Cents bearing Survey Nos. 284/1Ca/134/1B, 284/1D1 situated at Muthalnadu Group of Kamuthi Taluk belongs to defacto complainant's father . The first accused in this case has executed Power of Attorney in favour of the second accused by impersonating as if the property belong to the father of the first accused and his father died intestate, thereby created forged documents and using the forged documents, the second accused had sold the properties to the third and fourth petitioner based on the forged documents.

3. The learned counsel for the petitioner would submit the petitioner and the fourth accused have purchased the property for construction of a company. The petitioner was not aware of such forged documents created by the other accused and the petitioner had purchased the property only for valuable sale consideration. He would also submit that the petitioner is residing more than 1000kms form the place of properties. Further he states that he did not know



about the first and second accused before buying the properties. He would also submit that the petitioner is ready to re-convey the property which he had purchased by way of document No.237 of 2011 before the Sub Registrar Office, Kamudhi and seeks for anticipatory bail.

4. Heard the learned Government Advocate(Crl.Side) appearing for the respondent.

5. Taking into consideration the facts of the case and the submissions by learned counsels and the fact that the petitioner is ready to re-convey the property which he has purchased registered before the Sub Registrar Office, Kamudhi, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

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

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

7. It is made clear that if the petitioner fails to re-convey the property and adopts any dilatorily tactics the anticipatory bail granted shall stand cancelled immediately. If any exigencies need arises, in this regard the petitioner shall approach this Court.

sd/-
01/02/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO II
RAMANATHAPURAM DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.C.M.ARUMUGAM Advocate SR.No.2418

ORDER

IN

CRL OP (MD) No.1458 of 2019

Date :01/02/2019

MSI/PN/SAR-I/11.02.2019-3P/6C