



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

Wednesday, the Twentieth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3776 of 2019

PALANISAMY

... PETITIONER / ACCUSED

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
SINDUPATTI POLICE STATION,
THIRUMANGALAM TALUK,
MADURAI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.POORNACHANDRAN Advocate

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

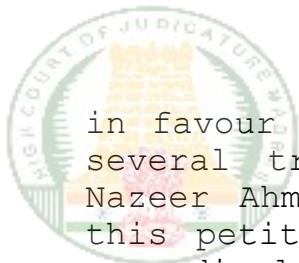
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 420, 471 and 506(i) of IPC in Cr.No.39 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner projected himself as one Palanisamy and executed a power of attorney in favour of one Nazeer Ahmed Khan on 24.01.2008 and thereafter the said Nazeer Ahmed Khan executed a sale deed in favour of one M.M.Omar in the year 2008 vide document number 1089/08 and thereafter the said M.M.Omar executed a sale deed in favour of his partner/defacto complainant in the year 2011. Thereafter the defacto complainant verified the documents and found that the documents belongs to one another Palanisamy . Thereby he filed a complaint against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. He would owned several properties in different survey numbers the present survey number is 24/1 executed power of attorney



in favour of one Nazeer Ahmed Khan in the year 2008 and thereafter several transactions happened, however without implicating the Nazeer Ahmed Khan and M.M.Omar the defacto complainant implicated this petitioner in order to grab the money from the petitioner and accordingly he prayed for anticipatory bail.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police fairly conceded that Nazeer Ahmed Khan and Umar was not implicated in this offence however the petitioner alone was implicated in the offence

5.Considering the facts and circumstances of the case and also considering the fact that the transaction in the year 2008 and the sale deed in the year 2011 and the defacto complainant filed a complaint in the year 2019, this Court is inclined to grant anticipatory bail to the petitioner. 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, Thirumangalam 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

20/03/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
THIRUMANGALAM, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI

3 THE INSPECTOR OF POLICE,
SINDUPATTI POLICE STATION,
THIRUMANGALAM TALUK.
MADURAI DISTRICT.

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

+1. CC to MR.S.POORNACHANDRAN Advocate SR.No.5227

ORDER

IN

CRL OP(MD) No.3776 of 2019

Date :20/03/2019

MSI/JC/SAR 3/26.03.2019/3P-6C