



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

Friday, the Eighteenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.589 & 590 of 2019

N.MAHESHWARI, ... PETITIONER / ACCUSED RANK NOT KNOWN
IN CRL OP(MD).NO.589/2019

K.VENKATACHALAM ... PETITIONER/ACCUSED NO.2
IN CRL OP(MD).NO.590/2019

Vs

THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
RAMANATHAPURAM DISTRICT,
RAMANATHAPURAM.
(CRIMENO.1/2019)

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioner : MR.C.M.ARUMUGAM Advocate
in both petitions

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (CrI. Side)
in both petitions

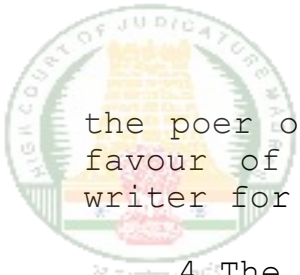
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, , 467, 468, 420, 471 of IPC r/w 120(B) of IPC in Cr.No.1 of 2019, seek anticipatory bail.

2.The petitioner in CrI.O.P(MD)No.589 of 2019 is A4 and the petitioner in CrI.O.P(MD)No.590 of 2019 is A2.

3.The case of the prosecution is that one Ramuservai having 2 acre and 93 cents. One Sathyamoorthy, whose father name was also Ramuservai, using the similarity in the name of Ramuservai, had executed a power of attorney in favour of K.Venkatachalam. Using



the poer of attorney, the accused No.2 had executed a sale deed in favour of the accused Nos.3 & 5. Accused No.4 is the document writer for the said sale deed.

4.The contention of the learned counsel for the petitioners is that the petitioner in CrI.O.P(MD)No.589 of 2019 is a document writer and accused No.2 K.Venkatachalam is a power of attorney and they were not aware of the said forgery committed by the accused No.1.

5. The learned Government Advocate (CrI.side) would submit that the investigation is going on.

6. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners.

7. 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 No.II, Ramanathapuram 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

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

[b] the petitioner in CrI.O.P(MD)No.590 of 2019 shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation and the petitioner in CrI.O.P(MD)No.589 of 2019 shall report before the respondent police as and when required.

[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 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.

sd/-
18/01/2019

WEB COPY

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
RAMANATHAPURAM DISTRICT, RAMANATHAPURAM.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CCS to MR.C.M.ARUMUGAM Advocate SR.No.921,922

ORDER
IN
CRL OP(MD) Nos.589 & 590 of 2019
Date :18/01/2019

AE/JC/SAR1/22.01.2019/3P/7C