



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

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7074 of 2019

A.RAJA

... PETITIONER/ACCUSED No.6

Vs

STATE BY,
INSPECTOR OF POLICE,
DCB (ANTI LAND GRABBING) POLICE STATION),
THANJAVUR DISTRICT.
CRIME NO.33/2014

... RESPONDENT/COMPLAINANT

For Petitioner : MR.A.ARUN PRASAD, Advocate

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

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

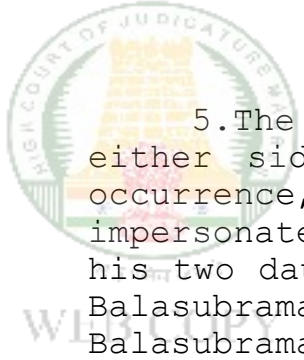
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 420, 465, 467, 468 and 471 IPC in Crime No.33 of 2014, seeks anticipatory bail.

2.The case of the prosecution is that one Lakshmanan, who is the first accused in the case has impersonated and created forged documents and given settlement to his two daughters. Thus, on complaint, a case has been registered against the petitioner and others.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that though in the First Information Report, the name of the petitioner is not found place, he is now implicated as an accused in the charge sheet.

4.The learned Government Advocate (Criminal Side) would submit that investigation has been completed and charge sheet is going to be filed.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that at the time of occurrence, one Lakshmanan, who is the first accused in the case has impersonated and created forged documents and given settlement to his two daughters. In turn, his daughters sold the property to one Balasubramanian, who is the fourth accused in this case. The said Balasubramanian has sold the property to the 5th accused. Since the petitioner herein was the power agent of the fourth accused, he has been implicated as one of the accused in this case. Apart from that it is necessary to see that after 6 years from the date of occurrence, the defacto complainant lodged this complaint against this petitioner. Hence, custodial interrogation may not be necessary for filing charge sheet. Accordingly, on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some stringent conditions.

6. 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 No.III, Thanjavur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

- (i) the petitioner as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;
- (ii) the petitioner shall appear before the respondent Police daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation;
- (iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC;
- (v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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]**.

WEB COPY

sd/-
30/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III,
THANJAVUR
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
3. INSPECTOR OF POLICE,
DCB (ANTI LAND GRABBING) POLICE STATION),
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.A. ARUN PRASAD Advocate SR.No.8965

ORDER
IN
CRL OP(MD) No.7074 of 2019
Date :30/05/2019

MYR/TA
PK/PN/SAR-1/03.06.2019 : 3P/6C