



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16/07/2019

WEB COPY

PRESENT

**The Hon`ble Mr.Justice P.RAJAMANICKAM**

CRL OP(MD). No.9192 of 2019

Xavier Rajan Britto

... Petitioner/Accused No.4

Vs

State Rep.by  
The Inspector of Police,  
District Crime Branch,  
Ramanathapuram,  
Ramanathapuram District.  
Crime No.16/2019.

... Respondent/Complainant

For Petitioner : M/s.R.Velmurugan, Advocate.  
For Respondent : Mr.V.Neelakandan,  
Additional Public Prosecutor

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

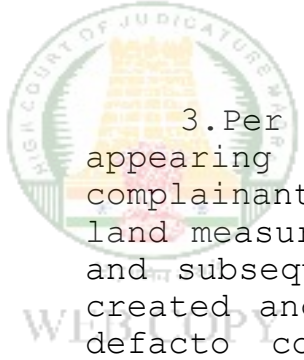
**PRAYER :-**

For Anticipatory bail in Cr.No.16 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420 r/w 120(b) of IPC in Crime No.16 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that as per the F.I.R, the defacto complainant has executed one power of attorney in favour of A-1 in respect of 3½ cents situated in S.No.382/3 and subsequently, all other accused persons conspired and created a power of attorney in respect of 21½ cents and registered as document No.103/12. He further submitted that the defacto complainant has executed only one power of attorney i.e document No.103/2012 and she has not executed any other power of attorney as alleged in the F.I.R. He further submitted that the petitioner is only a document writer and he is no way connected with the crime. Therefore, he prayed to grant anticipatory bail to the petitioner.



3. Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that the defacto complainant has executed one power of attorney in respect of the land measuring 3½ cents situated in S.No.382/3 in favour of the A-1 and subsequently, all the five accused persons have conspired and created another power of attorney by forging the signature of the defacto complainant in respect of 21½ cents of the land and registered the same as document No.103/2012 and therefore, he strongly opposed this petition.

4. In the F.I.R, though it is stated that the defacto complainant has executed one power of attorney in respect of 3½ cents situated in S.No.382/3 in favour of the A-1, but she has not stated the date on which, she has executed the said document. Further, she has also not stated the document number of the said power of attorney. She has stated only one document number i.e 103/12 i.e relating to 21½ cents. If really, the defacto complainant has executed one power of attorney in respect of the 3½ cents alone in favour of the A-1, she would have mentioned the date and the document number. Under the said circumstances, the contention of the learned counsel for the petitioner that the defacto complainant has executed only one power of attorney i.e document No.103/12, appears to be acceptable one.

5. Taking into consideration of the aforesaid facts and also considering the fact that the petitioner is only a document writer, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain 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.I, Ramanathapuram, Ramanathapuram District on condition that the petitioner shall each 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
16/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM,  
RAMANATHAPURAM DISTRICT.
  2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
  3. THE INSPECTOR OF POLIC, DISTRICT CRIME BRANCH,  
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.R.VELMURUGAN Advocate SR.No.11806

ORDER  
IN  
CRL OP(MD) No.9192 of 2019  
Date :16/07/2019

**MS/PN/SAR-4/22.07.2019/3P.6C**