



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.9245 of 2019

Prakash

... Petitioner/Accused No.6

Vs

The State of Tamilnadu
The Inspector of Police,
District Crime Branch, Ramanathapuram,
Ramanathapuram District.
Crime No.16 of 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 Crime No.16 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

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

2.The learned counsel appearing for the petitioners has submitted that as per the F.I.R, the defacto complainant has executed one power of attorney in favour of the A-1 in respect of 3½ cents situated in S.No.382/3 and subsequently, all the other 5 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 and that, the petitioner is only the subsequent purchaser and he has nothing to do



with the alleged offence. He further submitted that A-1 to A-3 were already granted anticipatory bail by this Court in CrI.O.P.(MD). No.9588/2019, dated 15.07.2019. Therefore, he prayed to grant anticipatory bail to the petitioners.

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 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 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 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 the fact that the petitioner is only the subsequent purchaser, this Court is inclined to grant anticipatory bail to the petitioners 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 petitioners 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

/ TRUE COPY /

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.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT

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

+1. CC to Mr.R.VELMURUGAN Advocate SR.No.11807

ORDER
IN
CRL OP(MD) No.9245 of 2019
Date :16/07/2019

VS

TK/PN/SAR.4/22.07.2019/3P/6C