



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.20283 of 2018

1 C.RAMARETHINAM
2 KANJANA
3 MARAIMALAIVASAN
4 SETHU

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI
SIVAGANGAI DISTRICT.
CRIME NO.21 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.SUNDAR Advocate

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

For Intervener : MR.A.L.KANNAN, Advocate

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

ORDER : The Court Made the following order :-

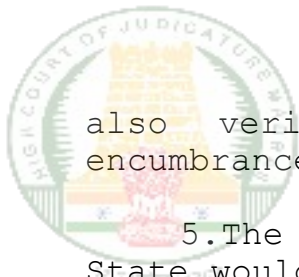
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 406, 420, 465, 467, 468 and 506(ii) of IPC, in Cr.No.21 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that in order create encumbrance over the property, the petitioners create the forged documents. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He would also submits that the alleged mortgage deed was cancelled by the petitioner and now the property is free from encumbrance. Accordingly, he prayed for anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned counsel for the intervenor would submit that he



also verified the genuineness of the cancellation and the encumbrance is removed.

5.The learned Government Advocate (Crl.Side) appearing for the State would submit that produced the copy of the letter submitted by the defacto complainant.

6.Considering the facts and circumstances of the case and since the alleged deed was cancelled and the property is free from encumbrance, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, 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, Sivagangai, 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 learned Magistrate concerned and on further condition that:

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

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(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]**; and;

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

sd/-

04/03/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO II
SIVAGANGAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT

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

+1. CC to MR.R.SUNDAR Advocate SR.No.4287

+1. CC to MR.A.L.KANNAN Advocate SR.No.51835

ORDER

IN

CRL OP(MD) No.20283 of 2018

Date :04/03/2019

MSI/PN/SAR 4/07.03.2019/3P-7C