



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

Friday, the Twenty Second day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.17814 of 2018

1 RAJAJI PANDIAN
2 VIJAY ANAND
3 DHARMAR

... PETITIONERS / ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
LAND GRABBING WING,
RAMANATHAPURAM DISTRICT.
(CRIME NO.12 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.R.SENTHILKUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 419, 465, 468, 423, 471, 420 IPC and r/w 120(b) IPC in Cr.No.12 of 2018, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant purchased the property in the year 1995. Taking advantage of the name similarity, the petitioners and other accused created forged documents and executed sale deed in favour of A1 and A1 created power of attorney in favour of A2. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit the petitioners will not claim any right over the property and that the first petitioner filed an undertaking affidavit. The relevant paragraph is as follows:

I further undertake to cooperate with defacto complainant in civil proceedings if any initiated by the defacto complainant pursuant to the removal of encumbrances in his property.

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

4.The learned Government Advocate(Crl.side) appearing for the



respondent police would submit that investigation is pending.

5. Considering the facts and circumstances of the case and considering the undertakings given by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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6. 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.I, 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 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 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 daily at 10.30 a.m., until further orders;

(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/-
22/02/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO-I,
RAMANATHAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
LAND GRABBING WING, RAMANATHAPURAM DISTRICT

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

+1. CC to Mr.R.SENTHILKUMAR Advocate SR.No.3569

PS/PN/SAR-1/08.03.2019/3P/6C

ORDER

IN

CRL OP (MD) No.17814 of 2018

Date :22/02/2019