

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.6493 of 2020

1. Ranganathan, M/80 years,
S/o.Raja,
B.Nadur Village,
B.Thurinjipatti Post,
Pappireddipatti Taluk,
Dharmapuri District

2. R.Arivu, F/52 years,
W/o.Elango,
Ramanathan Nagar,
Thimmapuram Post,
Kaveripattinam viz
Krishnagiri Taluk,
Krishanagiri District.

3. Alagu, M/54 years,
S/o.Ranganathan
B.Nadur Village,
B.Thurinjipatti Post,
Pappireddipatti Taluk,
Dharmapuri District.

... Petitioners

Vs.

State, rep. by the
The Inspector of Police,
Land Grabbing Wing,
Dharmapuri District.
(Crime No.4 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in
Crime No.4 of 2020 on the file of the respondent police.

For Petitioners : Mr.V.Sakkarapani

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 406, 419,
423, 465, 468 & 120(b) IPC, in Crime No.4 of 2020, seek anticipatory
bail.

2. The case of the prosecution is that there was a property
dispute between the petitioners and the de-facto complainant. Further,
the property belongs to the de-facto complainant and the Power of

Attorney was executed in favour of the 1st accused in respect of the same property. Further, the 1st petitioner had created forged General Power of Attorney in favour of his daughter/A2.

3. The learned counsel appearing for the petitioners would submit that Originally the property belongs to 1st petitioner and he had executed a Gift settlement in favour to the de-facto complainant. Therefore, the de-facto complainant had executed the General Power of Attorney to the first accused. He would further submit that the first accused had execute the sale deed in favour of A2, who is none other than own daughter and 3rd accused nothing about the document stood as a witness. He would further submit that A2 had also filed a suit in O.S.No.125 of 2017, for declaration and permanent injunction and it is pending before the Sub Court, Harur. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that there are totally three accused persons involved in this case and the

petitioners are arrayed as A1 to A3. He would further submit that the first accused had created forged General Power of Attorney in favour of his daughter/A2. On the strength of the General Power of Attorney executed in favour of A2 who is none other than daughter with conspired other accused, 3rd accused who is none other than his own with, Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally three accused persons involved in this case and on the strength of General Power of Attorney executed in favour of his daughter in the year 2010, A3 stood as a witness. Admittedly, the entire transaction took place in the year 1980. Further, that apart, civil suit was also pending in O.S.No.125 of 2017 for declaration and permanent injunction, before the Sub Court, Harur.

6. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 on which the order copy made ready, before the learned Judicial Magistrate, Pappireddipatti, Dharmapuri District, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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.

G.K.ILANTHIRAIYAN, J

msrm

[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]**.

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

22.06.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
msrm

To

1. The learned Judicial Magistrate,
Pappireddipatti, Dharmapuri District.
2. The The Inspector of Police,
Land Grabbing Wing,
Dharmapuri District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

Crl.O.P.No. 6493 of 2020