



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD) . No.3293 of 2020

Akthar Abdul Rahman

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Central Crime Branch,
Madurai City.
(Crime No.48 of 2019)

... Respondent/Complainant

For Petitioner : M/s.B.Prahalad Ravi,Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervener : Mr.D.Shanmugaraj Sethupathy, Advocate

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

PRAYER :-

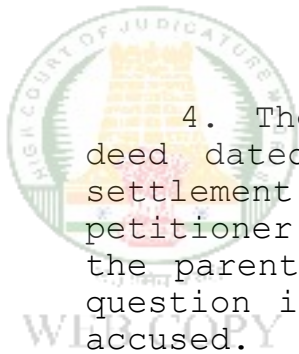
For Anticipatory Bail in Crime No.48 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the intervener and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences under sections 465, 468, 471 and 120(b) of I.P.C., in Crime No.48 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The defacto complainant alleges that his signature was forged in a hiba deed by the first accused and that the property that actually belongs to him was settled in favour of the petitioner herein. Based on this allegation, Crime No.48 of 2019 was registered by the respondent police.



4. The petitioner's counsel on instructions states that the deed dated 25.06.2013 confirming the hiba referred to in the settlement deed dated 10.08.2017 executed in favour of the petitioner is with his father namely., the first accused. Likewise, the parent deed dated 21.03.2007 is in respect of the property in question is also not with the petitioner and it is with the first accused. The petitioner will file an affidavit to this effect before the Court below Court at the time of surrender.

5. The respondent police is directed to move the learned District Munsif Court, Madurai Town for getting the documents listed as M.O.2 and M.O.3 in the plaint schedule in O.S.No.530 of 2016. The defacto complainant alleges that those documents have also been forged. Therefore, their originals would be absolutely required for the purpose of investigation. The Civil Court is directed to hand over the said original documents to the investigating officer. The petitioner's counsel on instructions states that the petitioner will not oppose the said application.

6. Since the petitioner has agreed to extend his fullest cooperation for the investigation, I am of the view that his custodial interrogation is not necessary. Hence, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Madurai, and on his executing a 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
25/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY.

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

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-3958[I] dated 25/02/2020)

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-4086[I] dated 26/02/2020)

ORDER

IN

CRL OP(MD) No.3293 of 2020

Date :25/02/2020

MS/PN/SAR-3/27.02.2020/3P.7C