



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

Date : 07/10/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.5635 of 2020

1. Balakrishnan
2. Vikneshkumar
3. Rajangam

... Petitioners/Accused Nos.3,4 & 6

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
(In Crime No.23 of 2020)

... Respondent/Complainant

For Petitioners: M/s.P.Andiraj, Advocate.

For Intervenor : Mr.S.Thangaraj, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

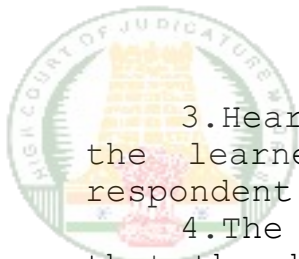
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 23 of 2020 on the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 420, 294 (b), 506 (i), 120 (B) of I.P.C., in Crime No.23 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainants said to have borrowed a sum of Rs.30,00,000/- from A1. In which, he has executed power of attorney in favour of A1. On the strength of the power of attorney, A1 executed the sale deed in favour of 1st petitioner/A3 by using fake life certificate, which was issued by the 2nd petitioner/A4. The 3rd petitioner/A6, who was signed as witness in the aforesaid sale deed.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent Police.

4. The learned counsel appearing for the petitioners submitted that the defacto complainants are brothers, borrowed money from A1. That apart, they have also borrowed huge amount from various persons. In order to settle the loan amount, the defacto complainants executed a power of attorney in favour of A1, to sell the property belongs to them. The 1st petitioner/A3 is the subsequent purchaser of the property, the 2nd petitioner/A4 is a doctor, who has given the life estate certificate and 3rd petitioner/A6 is a witness signed in the document and hence, the petitioners are no way connected with the conspiracy as alleged by the defacto complainants and they have never had intention to cheat the defacto complainants. He further submitted that A1 is the main accused and he was already granted anticipatory bail by this Court. Hence, he prayed to anticipatory bail to the petitioners.

5. The learned counsel appearing for the defacto complainants submitted that, through power of attorney given by the defacto complainant, A1 executed the sale deed in favour of 1st petitioner/A3 by using fake life certificate issued by the 2nd petitioner/A4 and the 3rd petitioner/A6 was signed as witness in the said sale deed. Hence, the petitioners are colluded with other accused persons cheated the defacto complainant and illegally transferred the property, worth about several crores. Hence, he opposed to grant anticipatory bail to the petitioners.

6. The learned Government Advocate (Crl. Side), on instructions, submitted that investigation is still pending and the petitioners may be directed to cooperate with the enquiry, and produce the document before the respondent police, for investigation.

7. Considering the facts and circumstances of the case and considering the fact that money dispute is pending between the parties, that apart, now the defacto complainants cancelled the power of attorney for the remaining properties and a civil suit is said to be pending between the parties regarding the same issue, considering all those circumstances, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sessions Court for Land Grabbing Cases, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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

<https://hcservices.courts.gov.in/hcservices/> 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 morning at 10.30 a.m., without fail, for a period of two weeks and thereafter as on 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 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]; and;

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

sd/-

07/10/2020

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

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
SESSIONS COURT FOR LAND GRABBING CASES, RAMANATHAPURAM.
2. DO-THROUGH 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.

ORDER IN

CRL OP(MD) No.5635 of 2020

Date : 07/10/2020