



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2020

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PRESENT

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

CRL OP(MD) . No.6040 of 2020

Vilvakani @ Villakkani

... Petitioner/Accused No.7

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District
(In Crime No.25 of 2019).

... Respondent/Complainant

For Petitioner : M/s A.Thiruvadi Kumar, Advocate.

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

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

PRAYER :-

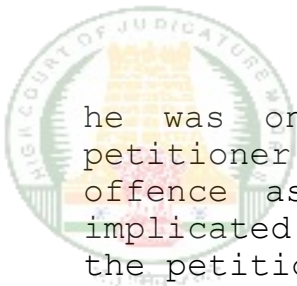
To enlarge the Petitioner on bail in the event of his arrest by the Respondent Police in Cr.No. 25 of 2019 on the file of the Inspector of Police, District Crime Branch, Ramanathapuram, Ramanathapuram District.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 419, 465, 468, 471, 420 & 120 (B) of I.P.C., in Crime No.25 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the disputed land is belonging to the defacto complainant's father. When he is alive, A5 executed the sale deed in favour of A1 to A3 by using fabricated death certificate of defacto complainant's father. The petitioner herein act as a witness in the aforesaid sale deed. Hence the compliant.

3. The learned counsel appearing for the petitioner submitted <https://hservices.ecourts.gov.in/hservices/> that the petitioner was not aware about the original possession and



he was only act as a witness. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed to anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the disputed land is belonging to the defacto complainant's father. When he is alive, A5 executed the sale deed in favour of A1 to A3 by using fabricated death certificate of defacto complainant's father. The petitioner colluded with other accused persons cheated the defacto complainant and his father and grabbed their property. Hence, he opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner is witness to the sale deed executed in favour of A1 to A3 by A5. The petitioner is being witness to the sale deed, he is tried to settled the issue by cancelling the sale deed executed in favour of A1 to A3. Unfortunately, A5, who executed sale deed in favour of A1 to A3 did not cooperate for cancellation of sale deed. Therefore, to show their bonafideness A1 to A3 filed a suit in O.S.No.91 of 2020 on the file of the District Munsif, Ramanathapuram, for cancellation of sale deed. Insofar as petitioner is concerned, he is only witness to the sale deed executed in favour of A1 to A3.

6. Considering the above fact and circumstances, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Special Court for ALGSC, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix his 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 his identity;

(b) the petitioner 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 petitioner shall not tamper with evidence or witness service court in his investigation or trial;



(d) the petitioner 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 SPECIAL COURT FOR ALGSC, RAMANATHAPURAM.
2. -DO- THROUGH: THE PRINCIPAL DISTRICT JUDGE,
RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.A.THIRUVADIKUMAR, Advocate (SR-6847[I] dated 08/10/2020)

ORDER
IN
CRL OP(MD) No.6040 of 2020
Date : 07/10/2020

DSS

<https://hcservices.ecourts.gov.in/hcservices/> 12.10.2020/ 3P/6C