



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.9573 of 2020

RAJESWARI

... PETITIONER/ACCUSED NO.3

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
MADURAI CITY.
CRIME NO.14/2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Gandhi,
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.14/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Totally there are three accused in this case. The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 465, 466, 468, 471, 473, 474 & 420 of IPC, in Crime No. 14 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that A1 was working as Secretary in Madurai City Co-operative Society and misappropriated the amount to the tune of Rs.9.83 crores and proceedings has been initiated against him under Section 87 of the Cooperative Societies Act. Subsequently, A1 and A2 created a forged document, as if attachment has been raised, and they sold the property in favour of the petitioner. Hence, the crime has been registered.



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

4. The learned counsel for the petitioner submitted that the petitioner is only a *bona fide* purchaser but he has been roped in this case. The petitioner is no way connected with creation of attachment orders. In fact, the forged document appears to have created as early as on 29.05.2019, as if the attachment was also raised he did not aware of that. He further submitted that the main accused A1 was remanded to judicial custody on 20.08.2020 and this Court already granted anticipatory bail to A2 in Crl.O.P.(MD). No.9227 of 2020, dated 02.09.2020. Hence, he seeks anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that A1 was working as Secretary in Madurai City Co-operative Society and misappropriated the amount to the tune of Rs.9.83 crores. A2 is the wife of A1. A2 sold the property to A3/the petitioner herein.

6. Considering the facts and circumstances of the case and also considering the rival submission made on either side and on perusal of the records, it is seen that this petitioner is a subsequent purchaser from A2 and the main accused A1 created a forged document as if attachment has been raised, and A2 has already been granted anticipatory bail, who is a wife of A1, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 learned Judicial Magistrate No.I, Madurai, 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:

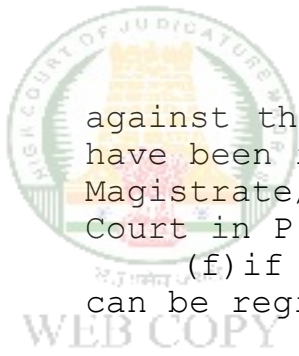
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
10/09/2020

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/ /2020
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 NO.I,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 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.R.GANDHI, Advocate (SR-6366[I] dated 10/09/2020)

ORDER
IN
CRL OP(MD) No.9573 of 2020
Date :10/09/2020

VSD
JM/JC/SAR II/16.09.2020/3P/6C