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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 25/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL.O.P. (MD) . No.9939 of 2020

Anbuselvan : Petitioner/Accused Rank Not Known

Vs.

The State rep. by,
The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
(Crime No.212 of 2017).

: Respondent/Complainant

For Petitioner : M/s.K.Abiya,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 438 of Cr.P.C.

PRAYER :-

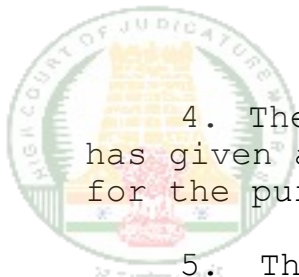
For Anticipatory Bail in Crime No.212 of 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police in connection with a case registered in Crime No.212 of 2017 for the offences punishable under Sections 120-B, 419, 420, 468, 471 and 506(i) of the Indian Penal Code, seeks anticipatory bail.

2. Heard both sides.

3.The petitioner is the eighth accused in this crime. The case of the prosecution is that, Accused Nos.1 to 3 in this case fabricated some documents and sold the properties belonging to the *defacto* complainant. Hence, the crime has been registered.



4. The allegation levelled against the petitioner is that, he has given a Certificate as if the land belongs to Accused Nos.1 to 3 for the purpose of getting patta.

5. The learned counsel appearing for the petitioner would submit that the petitioner is only a Village Administrative Officer and he has given a Certificate in the name of original owner of the property and he is not aware that the documents have been fabricated by Accused Nos.1 to 3. It is also stated that pending prosecution, Accused No.1 in this crime died and Accused Nos.2,3 and 6 have been granted anticipatory bail.

6. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioner is a Village Administrative Officer and he is also actually involved in this crime and he has given a bogus certificate.

7. Considering the fact that the main accused in this case, namely Accused Nos.2,3 and 6 have been granted anticipatory bail and the petitioner, being a Village Administrative Officer, has given a Certificate regarding the ownership of the property, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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, Peraiyur, Madurai District, 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/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 petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/09/2020

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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,
PERAIYUR, MADURAI DISTRICT.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
T.KALLUPATTI POLICE STATION, MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1cc to M/s.K.Abiya, Advocate in SR.No. 6692

ORDER
IN
CRL OP(MD) No.9939 of 2020
Date :25/09/2020

SML
AE/AKM/SAR-II (29.09.2020) 3P 6C