



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10609 of 2020

R.Ramesh

... Petitioner/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Tirunelveli District.
Cr.No. 39 of 2019.

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
Advocate.

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

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

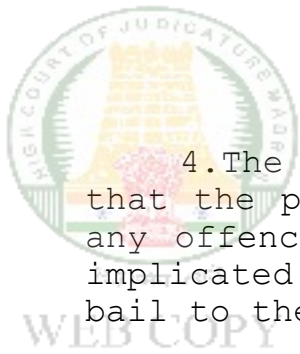
PRAYER :- For Anticipatory Bail in Cr.No.39 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 423, 465, 467, 468, 471, 420 and 120(B) of I.P.C., in Crime No.39 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the property. A1 said to have forged documents and claim right over the property, executed a sale deed in favour of A2. Thereafter, A2 said to have mortgaged the same in favour of A5. In the sale deed, the petitioner is the one of the attestors and he is arrayed as A3. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent



4.The learned counsel appearing for the petitioner 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 for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (criminal side) appearing for the respondent police submitted that A1, who has no title over the property, executed a sale deed in favour of A2. Thereafter, A2 said to have mortgaged the same in favour of A5 and in the said sale deed, the petitioner herein also signed as attestor and therefore he also committed offence and hence, he strongly opposed the anticipatory bail.

6.Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the petitioner is the friend of A4 and the allegation made against the petitioner is that he has attested the sale deed and there is no other allegation against the petitioner. Considering the above circumstances, I am 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 Judicial Magistrate Court No.I, Tirunelveli, 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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30/09/2020

/ TRUE COPY /

/ /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, TIRUNELVELI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10609 of 2020
Date :30/09/2020

VSG
TE/AKM/SAR-III : 05/10/2020 : 3P/5C