



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2020

PRESENT

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

CRL OP(MD) . No.11323 of 2020

Nirmala

... Petitioner/Accused

Vs

The Inspector of Police,
Fort Police Station,
Tiruchirapalli City.
Cr.No.166/2020.

... Respondent/Complainant

For Petitioner : M/s.S.Muthukrishnan, Advocate.

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

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

PRAYER :-

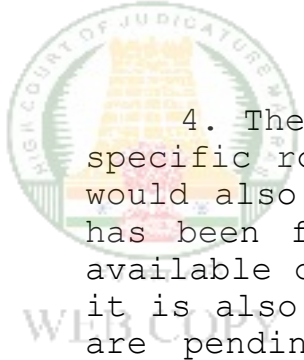
For Anticipatory Bail in Crime No.166 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 447,294(b),461,467 and 506(ii) of IPC seeks anticipatory bail.

2. Heard both sides.

3.The petitioner herein is arrayed as A1. The case of the prosecution is that the defacto complainant is said to be a lessee under one A.K.Mohammed Bazholhaq through a unregistered lease deed dated 01.10.2019 and he said to have paid Rs.5 lakhs as lease amount. Subsequently the petitioner along with other accused said to have trespassed in the land and also took possession of the property. It is also alleged that earlier Nirmala/A1, in this case said to have sold the property to one Samuel Jesudas/A3, by creating forged documents and the allegation against the petitioner is that he along with Nirmala/A1 has actively involved in forging documents.



4. The learned counsel for the petitioner would submit that no specific role has been played by her in the alleged forgery. He would also submit that the petitioner is innocent and a false case has been foisted against him and absolutely there is no material available on record to connect petitioner with the said crime. Now it is also stated that in the said property several litigations are pending and proceedings under Section 145 of Cr.P.C also initiated by the Executive Magistrate and other criminal case is also pending.

5. The respondent police has also filed a detailed counter affidavit.

6. From the perusal of the materials available on record and also from the counter affidavit filed by the respondent it could be seen that the land originally belongs to St. Joseph College, various peoples are claiming title over the property and two proceedings under Section 145 Cr.P.C are also pending. That apart several criminal cases are also pending between the parties. So far as this petitioner is concerned the only allegation levelled against him is that he along with A1 in this case created forged documents. It is also stated in the counter that number of criminal cases are pending against the petitioner. However, as of now there is no material available on record to show that the petitioner also actively involved in the alleged forgery along with other accused.

7. In so far as the petitioner is concerned the petitioner entered into sale agreement to sell 5000 sq.ft of land to one Samraj and the said Samraj has constructed permanent super structure in the Month of December for conducting christian Sabha by investing nearly Rs.45 lakhs. While being so the defacto complainant and other accused persons damaged the entire structure using JCB on 19.03.2020. Infact the said Samraj lodged complaint against the defacto complainant and the same was registered in Crime No. 167 of 2020 for the offences under Sections 147,342,392,427 of IPC only to escape from the clutches of law the defacto complainant lodged a complaint against the petitioner and the said Samraj. The petitioner has also filed a civil suit against the St.Joseph College in O.S.No. 547 of 2018 on the file of the learned II Additional District Munsif Court, Trichy and the same is pending.

8. Taking into consideration the above facts and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Thiruchirappalli on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 am., for a period of two weeks and thereafter 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/10/2020

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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 NO.I, THIRUCHIRAPPALLI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
FORT POLICE STATION,
TIRUCHIRAPPALLI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.11323 of 2020

Date :14/10/2020