



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/11/2020

PRESENT

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

CRL OP(MD). No.13539 of 2020

Rajaguru

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
Crime No. 26 of 2019.

... Respondent/Complainant

For Petitioner : Mr.A.Balaji, 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.26 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 419, 423, 465, 468, 471, 420 and 109 of IPC, in Crime No.26 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused executed a sale deed in favour of A2 by impersonating the defacto complainant, who is the original owner of the property. The original owner of the property has also executed the sale deed in favour of the defacto complainant. Later, the defacto complainant found that the petitioner had sold the property by impersonating to A2. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioner submitted that A1 has executed sale deed in favour of A2 in respect of the



said property. Now, A2 is no more. He further submitted that the petitioner is ready and willing to deposit entire sale consideration of Rs.6 lakhs. Hence, he prayed for grant of anticipatory bail to the petitioner.

5.The learned Government Advocate (Crl. Side), appearing for the respondent Police submitted that totally there are six accused in this case, in which, the petitioner has been arrayed as A1. The petitioner has no title over the property and he impersonated original owner of the property and executed sale deed in favour of A2 and A2 is no more.

6.It is seen that totally there are six accused in this case, in which, the petitioner has been arraigned as A2. The first accused has impersonated the original owner of the property and executed sale deed in favour of A2. Now, A2 is no more. However, the petitioner is ready and willing to deposit entire sale consideration of Rs.6 lakhs.

7.Considering the facts and circumstances of the case and also considering the fact that there is no other serious allegations against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly,the petitioner is directed to deposit the entire sale consideration of Rs.6,00,000/-to the credit of Crime No.26 of 2019 before the concerned Court. Further, the petitioner and the legal heirs of the second accused shall cancel the sale deed in respect of the said property and produce the same before the respondent police within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Special Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli, 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 a.m for a period of four 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2020

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

ORDER IN
CRL OP(MD) No.13539 of 2020
Date : 30/11/2020

VSG

TE/VR/SAR-III : 15/12/2020 : 3P/5C

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