



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2020

WEB COPY

PRESENT

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

CRL OP(MD) . No.13707 of 2020

Rengaraj

... Petitioner/ Accused (Sole)

Vs

The State, Rep.by
The Inspector of Police,
DCB Police Station, Karur,
Karur District.
(FIR No.4/2020).

... Respondent/Complainant

For Petitioner : Mr.R.Murugappan,
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.4 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 465, 468 and 471 of IPC, in Crime No.4 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the subject property owned by the defacto complainant, which is an ancestral property. While being so, the father of the petitioner by using forged document and obtained patta for that property. Thereafter, on 07.10.2005, he registered a Gift deed in favour of his son viz., the petitioner vide Document No.867/2005 at Sub Registrar Office, Nangavaram, Karur District. Thereafter, the defacto complainant came to understand the encumbrance made by the accused persons in his property. 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 even according to the defacto complainant the patta obtained by his father and executed Gift deed in his name. Thereafter, the father of the petitioner died and the petitioner is in possession and enjoyment of the said property. He further submitted that the patta granted in favour of the petitioner's father, the defacto complainant has filed an appeal before the RDO, Kulithalai and the same was cancelled. Now the defacto complainant is also taking steps to file an appeal as against the order passed by the RDO, Kulithalai instead of filing suit and gave criminal colour. Therefore, the custodial interrogation of the petitioner is not required. 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 the father of the petitioner by using forged document and obtained patta for that property. Thereafter, on 07.10.2005, he registered a Gift deed in favour of his son viz., the petitioner vide Document No.867/2005 at Sub Registrar Office, Nangavaram, Karur District. Hence, the crime has been registered.

6. Considering the facts and circumstances of the case and also considering the fact that there is no other serious allegation against the petitioner and custodial interrogation of the petitioner does not require, 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 two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II, Kulithalai, Karur District, 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 service court in his 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/-
01/12/2020

/ 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.II,
KULITHALAI, KARUR DISTRICT.
- 2.-DO- THRO'THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DCB POLICE STATION,
KARUR, KARUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13707 of 2020
Date :01/12/2020

vsg
AE/AKM/SAR-III (10.12.2020) 3P / 5C

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