



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/12/2020

PRESENT

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

CRL OP(MD).No.14660 of 2020

Murugan

... Petitioner/Accused No.9

Vs

State Rep.by
The Inspector of Police,
City Crime Branch - Anti Land Grabbing Cell,
Tirunelveli City.
Crime No.29 of 2016.

... Respondent/Complainant

For Petitioner : Mr.S.R.Durai Raj,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

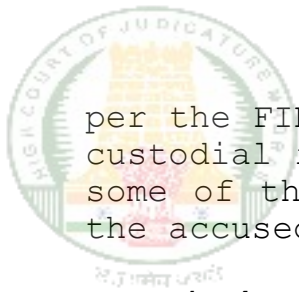
PRAYER :- For Anticipatory bail in Crime No.29 of 2016 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A9, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 419, 465, 467, 468, 471, 420 and 120(B) IPC, in Crime No.29 of 2016, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused conspired with other accused persons, impersonated the defacto complainant with second accused and executed a sale deed in favour of the first accused. For the said sale deed, A4 and A5 signed as witnesses. Thereafter, the first accused mortgaged the said property in favour of the third accused with the help of A6 and A7 to create the charge over the subject property.

3.The learned counsel for the petitioner would submit that the petitioner is arrayed as A9. Even according to the case of the prosecution there is absolutely no specific overt act as against the petitioner and he has been falsely implicated as an accused. Even as



per the FIR no role is played by the petitioner herein, as such, the custodial interrogation does not require. He further submitted that some of the accused were arrested and released on bail and some of the accused were granted anticipatory bail.

4.The learned Government Advocate (Crl.side) submitted that there are totally nine accused, in which the petitioner is arrayed as A9. The petitioner conspired with other accused persons, impersonated the defacto complainant by A2 and executed a sale deed in favour of A1. In turn A1 executed a mortgage deed in favour of A3 with the help of other accused persons and created charge over the subject property. She further submitted that the original owner of the property was not in India at the time of executing the sale deed in favour of A1. Therefore, all the accused persons impersonated the defacto complainant and registered the documents.

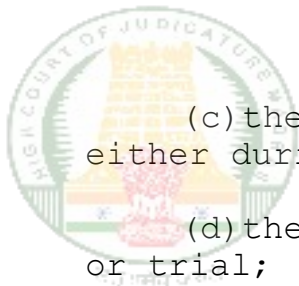
5.It is seen that there are totally nine accused, in which the petitioner is arrayed as A9. The first accused impersonated the defacto complainant with the help of A3 and A4 through A2 and executed a sale deed in his favour. Thereafter, on the strength of the sale deed stands in his name, he mortgaged the property in favour of A3 with the help of A6 and A7. As far as the petitioner is concerned, he is arrayed as A9 and though he has been implicated as an accused on the allegations of conspiracy, there is no specific overt act as against the petitioner herein and further, some of the accused were granted anticipatory bail.

6.Considering the facts and circumstances of the case, 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 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.1, 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 10.00 a.m. for a period of three 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/-

14/12/2020

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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.1,
TIRUNELVELI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH - ANTI LAND GRABBING CELL,
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-8184[I] dated 15/12/2020)

ORDER IN

CRL OP(MD) No.14660 of 2020

Date :14/12/2020