



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

Date : 03/12/2020

PRESENT

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

CRL OP(MD) . No.13906 of 2020

Kartheesan

... Petitioner/Accused No.6

Vs

The State rep.by
The Sub Inspector of Police,
District Crime Branch,
Thoothukudi, Thoothukudi District.
Crime No. 16/2020.

... Respondent/Complainant

For Petitioner : Mr.J.C.Rathnavel Pandian,
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. 16 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A6, apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 120(b), 406, 420, 465, 466, 467, 468, 471 and 472 of IPC,
in Crime No.16 of 2020 on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution is that the second accused has
executed Will in favour of A1 and the same was unregistered one, in
turn A1 has settled the property in favour of his own son and
presented the settlement deed for registration. Thereafter, the
petitioner and A7 have conspired together and executed the bogus
settlement deed in favour of A1's son. Thereafter, the petitioner
has filed a writ petition in W.P.(MD).No.9665 of 2020 and it is
pending for adjudication. On receipt of the notice by the defacto



complainant, the impugned order is challenged before this Court is fabricated one and 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 the petitioner, who is practicing advocate and he is nothing to do with the allegation as alleged by the prosecution. He further submitted that he introduced the seventh accused to the first accused for preparation of settlement deed. Even according to the defacto complainant, the first accused executed settlement deed in favour of his own son and the same presented for registration. According to the prosecution, A7 has prepared the bogus settlement deed. 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 petitioner is an practicing advocate. The petitioner along with other accused have conspired together and created a forged document and used the same as a genuine one for the purpose of getting favourable order from the Court and cheated the defacto complainant.

6. On perusal of the materials available on records, it is seen that totally there are seven accused in this case, in which, the petitioner has been arrayed as A7. According to the prosecution, the first accused absolutely owner of the said property by way of unregistered Will executed by the husband of A2. Thereafter, the said will was executed by A1 in favour of his son and the same was presented for registration and it was orally rejected by the defacto complainant and thereafter, the petitioner and other accused persons have conspired together and fabricated the rejection order as if it was rejected by the defacto complainant. Thereafter, the rejection order was challenged before this Court in W.P.(MD).No.9665 of 2020 and it is pending for adjudication. During the pendency of this petition, the defacto complainant found that the rejection order is a fabricated one. Insofar as the petitioner is concerned, he is an advocate and appeared on behalf of the first accused and introduced the seventh accused for preparation of settlement deed.

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

8. 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



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:

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(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 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/12/2020

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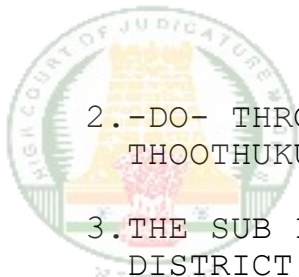
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.IV,
THOOTHUKUDI.

<https://hcservices.ecourts.gov.in/hcservices/>



2.-DO- THRO'THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3.THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH
THOOTHUKUDI, THOOTHUKUDI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.C.RATHNAVEL PANDIAN, Advocate (SR-7883[I] dated
04/12/2020)

ORDER

IN

CRL OP(MD) No.13906 of 2020

Date :03/12/2020

vsg

AE/PN/SAR-III (15.12.2020) 4P / 6C