



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.389 of 2021

K.Magendran

... Petitioner/Accused(Rank A2)

Vs

1.The State rep.by
The Inspector of Police,
Kalaiyarkovil Police Station,
Kalaliyarkovil, Sivagangai District.
(In Crime No.645 of 2020).

2.The Deputy Superintendent Of Police,
Vigilance and Anti Corruption,
Sivagangai, Sivagangai District. ... Respondents/Complainants

For Petitioner : Mr.Ajmal Khan, Senior Counsel for
M/s.Ajmal Associates

For Respondents: Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.645 of 2020 on the file
of the Respondent Police

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 419,
420, 465 and 468 of I.P.C., in Crime No.645 of 2020 on the file of
the respondent police, seeks anticipatory bail.



3.It is seen that one Raja had filed W.P.(MD)No.9694 of 2020 seeking for issuance of Writ of Mandamus forbearing the respondents therein not to evict him from his residential house, in which he had build based on the free patta issued by the Government. It is further revealed that the petitioner therein and his family members were allotted five free pattas. The petitioner therein is employed as Teacher in Government School and his wife is also employed and his other partners are also teachers. His son is also Doctor, who is employed in Primary Public Health Centre. The petitioner therein got free patta for all his family members. Finding some misconduct, this Court by order dated 23.12.2020 had directed the Deputy Superintendent of Police, Vigilance and Anticorruption Wing, Sivagangai, to register a case and investigate the same.

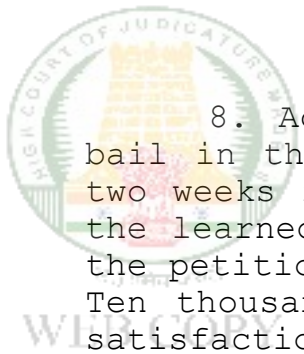
4.It is seen from the materials on record that the petitioner herein was posted as Tahsildar, Kalaiyarkovil for a period of six months in the year 2015. Thereafter, he was transferred to some other place. The petitioner herein served for 33 years without any adversity. It is also seen that the petitioner was served with charge memo and he had give his explanation stating that he had never dealt with any free patta as regards said Raja and his family members. If at all any sign is available, it is forged by the said Raja. Al in this case, who is prime accused was granted anticipatory bail by the Principal District and Sessions Court, Sivagangai in Cr.M.P.No.253 of 2021 on 22.02.2021.

5.It is seen from the counter affidavit filed by the District Collector in the writ petition that the District Collector had stated that that free patta produced by the said Raja are bogus and there is no files available in the Taluk office and the assignment order produced by the said Raja are not genuine. It is further stated that in paragraph 9 of the counter affidavit, which reads as under:-

"I humbly submit to state that, the writ petitioner(Raja) admitted implicitly that earlier five pattas are bogus and hence as per para 5 of the affidavit, he has requested to grant patta under regularization scheme knowing very well that earlier five pattas were bogus ones.

6.It is seen from status report of the second respondent that Crime No.658 of 2020 is still with the first respondent and it is not transferred to the file of the first respondent.

7. In view of the above, I am 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 learned Judicial Magistrate No.I, Sivagangai, 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/02/2021

/ TRUE COPY /

/ /2021
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, SIVAGANGAI.

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

3.THE INSPECTOR OF POLICE,
KALAIYARKOVIL POLICE STATION,
KALALIYARKOVIL, SIVAGANGAI DISTRICT.

4.THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION,
SIVAGANGAI, SIVAGANGAI DISTRICT.

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

+1 CC to M/s.AJMAL ASSOCIATES, in (SR-1574[I] dated 01/03/2021)

ORDER

IN

CRL OP(MD) No.389 of 2021

Date :25/02/2021

IAS

AE/SMA/SAR-III (02/03/2021) 4P / 7C