



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2948 of 2021

K.Muthukannan

... Petitioner/Accused

Rank not known

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch Police Station,
Sivagangai,
Sivagangai District.
Crime No. 10 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Kannan.Al., Advocate.

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

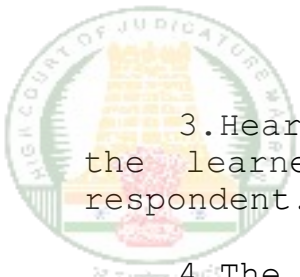
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail Crime No.10 /2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehends arrest at the hands of the respondent police, in Crime No.10 of 2021, seeks anticipatory bail.

2.The contention of the petitioner is that the petitioner had purchased the property in the year 2014 from the vendor. Now the defacto complainant make complaint that the vendor expired in the year 2009 and the petitioner had arranged for impersonation and created forged document. Thereafter, the petitioner came to know about the same and the petitioner is ready to cancel the sale deed dated 02.12.2014. The further contention of the petitioner is that the petitioner along with the defacto complainant had approached the Sub Registrar to cancel the sale deed at that time, the Sub Registrar informed that the petitioner cannot be entertained to cancel the said sale deed, since the vendor is no more and legal heirs of the vendor have not been produced. Thereafter, the defacto complainant had approached the Judicial Magistrate, Sivagangai and filed a petition under Section 156(3) and the same was ordered directing the respondent to register the case.



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

4. The learned counsel appearing for the petitioner further submitted that A1 is a purchaser, A2 is a impersonator, A3 is a witness and A4 is a broker. The petitioner/A1 is an innocent purchaser and he has not known about the impersonation or creation of forged documents. He further submitted that the petitioner and other accused persons are ready to cancel the sale deed created by the impersonator, which is in dispute. In fact, they approached the concerned Sub Registrar, who had insisted the original owner namely, Chinnaiah, himself to cancel the sale deed in Doc.No.4400 of 2014. The concerned Registrar decided on a wrong presumption. The persons, who had created the forged document, are ready to appear and to cancel the sale deed, and the encumbrance certificate created in respect of the property would be removed. The original owner viz., Chinnaiah is no more.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the respondent Police will instruct the concerned Sub Registrar to cancel the sale deed and to register the same.

6. In furtherance to that the petitioner had cancelled the forged document the petitioner. After coming to know that the sale deed No.4400/2014 is forged, the petitioner had come forward to cancel the same and he had also filed the copy of the cancellation deed No.1208 before this Court.

7. The respondent police is present before this Court and he submits that he had also received cancellation deed and on enquiry it was found that the petitioner is an innocent purchaser and he has cheated by A2 and A3, who are the prime accused and A2 and A2 committed forgery and they have also been arrested in this case and final report is prepared and the petitioner's name would be deleted and he would be treated as witness.

8. Recording the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. 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.II, Sivagangai, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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:

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

(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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/03/2021

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/ /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.II, SIVAGANGAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
SIVAGANGAI,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.2948 of 2021
Date : 31/03/2021