



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

Date : 05/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3477 of 2021

1.C.Baskar
2.M.Senthilkumar

... Petitioners/Accused
Nos.3 and 5

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Thanjavur.
Crime No.11/2021.

... Respondent/Complainant

For Petitioners : Mr.G.Karnan,
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 in Crime no. 11 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 464, 465, 467, 468, 471, 420 and 120(B) of IPC seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant purchased the properties in plot Nos.18,19 and 34 in Thirumurugan Nagar at Pillaiyarpatti village in the year 1986 and the same was registered in the name of his wife Alamely Mangai now residing in Coimbatore. Using the same the first and second accused conspired together created forged documents and got power deed in the name of the second accused given by the first accused and the same was registered on 08.01.2020 before the Sub Registrar Vallam. On knowing the same, the son of the defacto complainant had cancelled



the power deed through cancellation deed dated 22.07.2020. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the first petitioner only the attesting witness and the second petitioner is only a broker and they have nothing to do with the alleged offence.

4. The learned Government Advocate(Crl.Side) would submit that the investigation in this case is pending.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the first petitioner is only stood as witness and the second petitioner is only said to have prepared documents which is now in dispute and it is also seen that A1 only has misappropriated and created power deed in favour of A2 on 08.01.2020 and the son of the defacto complainant had also cancelled the power deed and it is also seen from the EC no encumbrance has been made, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Anti Land Grabbing cases, Thanjavur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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:

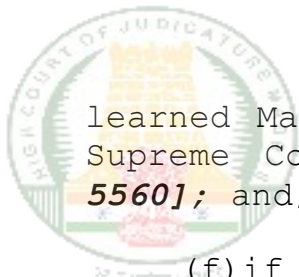
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions were breached and the petitioners 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/-
05/03/2021

/ 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.III,
ANTI LAND GRABBING CASES, THANJAVUR.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3477 of 2021
Date :05/03/2021

AAV
TK/PN/SAR.3/11.03.2021/3P/5C