



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

Date : 19/03/2021

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PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3890 of 2021

Essakki Pandi

... Petitioner/Accused No.1

Vs

The State rep. by  
The Inspector of Police,  
City Crime Branch (CCB ALGSC)  
Tirunelveli City,  
Tirunelveli District.  
Crime No. 6/2021.

... Respondent/Complainant

For Petitioner : Mr.Pethu Rajesh P,  
Advocate.

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

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

**PRAYER :-**

For Anticipatory Bail in Crime No.6 of 2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 419, 420, 465, 467, 468, 471 and 120B of IPC, in Crime No.6 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons were said to have conspired together and forged signature of the Sivan Konar and executed power of attorney in favour of the petitioner and the same was registered in Doc.No.135 of 2019 before the Sub Registrar Office, Melapalayam. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioner submitted that A2 and A3 had impersonated the said velu onar and Sivan Konar and created forged document and executed the power deed in his favour. After knowing the same, the petitioner has cancelled the power of attorney vide Doc. No.8257 of 2019. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner and other accused persons were said to have conspired together and forged signature of the Sivan Konar and executed power of attorney in favour of the petitioner and the same was registered in Doc.No.135 of 2019 before the Sub Registrar Office, Melapalayam.

6. Considering the facts and circumstances of the case and also considering the fact that there is no existence of any forged document and further using the forged document, encumbrance certificate was not created, 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 his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate-Special Court for Anti Land Grabbing Cases, 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 10.30 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;

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

19/03/2021

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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,  
SPECIAL COURT FOR ANTI LAND GRABBING CASES,  
TIRUNELVELI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
CITY CRIME BRANCH (CCB ALGSC)  
TIRUNELVELI CITY,  
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to Mr.P.PETHU RAJESH, Advocate ( SR-2360[I] dated 22/03/2021 )

ORDER

IN

CRL OP(MD) No.3890 of 2021

Date :19/03/2021

VSG

SRS/JC/25.03.2021/3P/6C

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