



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

Date : 21/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5074 of 2021

Balamohanraj ... Petitioner/Accused No.4

Vs

The State rep.by
The Inspector of Police,
City Crime Branch,
Trichy City.
In Crime No.3 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Jameel Arasu.B.,
Advocate.

For Respondent : Mr.Kr.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 420, 465, 466, 467, 468, 470 I.P.C., in Cr.No.3 of 2021, on the file of the respondent police seeks anticipatory bail.

2.Heard the learned Counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.

3. The learned Counsel for the petitioner submitted that the petitioner is no way involved in the alleged execution of Power of Attorney deed and sale deed and he was only the identifying witness
https://hdservices.gov.in/hdservices/



4. The learned Government Advocate (Crl.Side) submitted that the investigation in this case is pending and a civil case is also pending.

5. It is seen from the submissions that the suit property was sold to the wife of the defacto complainant by one Amirtham Ammal. In fact, the said Amirtham Ammal purchased the suit property from one Rathinasamy whose erstwhile name was Ramasamy. He changed his name as Rathinasamy and that was published in the Gazatte on 15.05.1975. The defacto complainant's wife is in enjoyment of the suit property. While that being so, the first accused taking advantage of the change of name of Ramasamy as Rathinasamy and with a view to grab the property had schemed things and he impersonated the said Rathinsamy and executed a Power of Attorney Deed, dated 21.05.2015 as Document No.2587/2015 in favour of the second accused, as if he is the owner of that property. This petitioner and three accused have signed the document as identifying witnesses. Based on the Power of Attorney deed, the second accused sold the property to the fifth accused on 22.12.2015. It is the specific allegations that the accused 1 and 2 created documents in a fraudulent manner and executed the same. A suit in O.S.No.1142 of 2016 is pending before the I Additional District Munsif, Tiruchirapalli as against A.1, A.2 and A.5.

6. From the narration of the facts above, it is clear that the role of the petitioner is only as an identifying witness in the Power of Attorney deed, dated 21.05.2015. Taking note of this fact, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tiruchirappalli, 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 10.00a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness
<https://hccservicescourts.gov.in/hccservices/> 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/-

21/04/2021

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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
TRICHY
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY
- 3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH,TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5074 of 2021

Date :21/04/2021

SMA/24/04/2021/2P/5C