



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

Date : 03/06/2021

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD) . No.6946 of 2021

M.Vijayakumar

... Petitioner/Accused No.2

Vs

The Inspector of Police,
District Crime Branch (DCB),
District Police Office,
TVS Tollgate,
Trichy 20,
Trichy District.
In Crime No.5 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Sundar Advocate for
Mr.N.Ilamurugu, Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :-

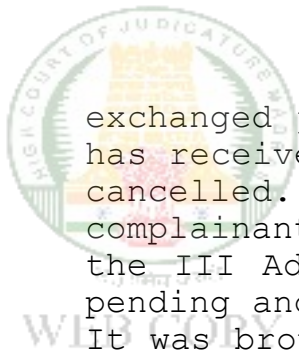
For anticipatory bail in cr. no. 5 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest by the respondent police for the offence punishable under Sections 420, 467, 468 and 471 of IPC has filed the present anticipatory bail petition.

2.The case of the prosecution is that the accused persons have created a forged and fabricated document as if the sale agreement has been cancelled and a sum of Rupees Twenty Five Lakhs was refunded to the defacto complainant. There are totally two accused persons in this case and the petitioner has been arrayed as A2.

3.The learned counsel for the petitioner submitted that the entire transaction took place between A1 and the defacto complainant and the petitioner had only acted as a mediator in the said transaction. The learned counsel further submitted that the owner of the property had taken a stand even when the notices were



exchanged prior to filing of the suit that the defacto complainant has received a sum of Rupees Twenty Five Lakhs and the agreement was cancelled. The learned counsel further submitted that the defacto complainant has also filed a suit for specific performance before the III Additional District Court, Tiruchirappalli and the same is pending and A1 has already filed written statement in the said suit. It was brought to the notice of this Court that A1 had taken a very specific stand that the sale agreement is not in subsistence.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that A1 was arrested in this case and in the course of investigation, the role played by the petitioner was exposed. The learned counsel further submitted that the petitioner was the brain behind the entire transaction and he has to be subjected to custodial interrogation, since the document in question is a forged document.

5.Taking into consideration the facts and circumstances of the case and also the nature of transaction between the parties and also of the fact that the suit is now pending before the competent Civil Court, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioner shall appear before the learned Judicial Magistrate No.I, Trichy, and execute a fresh personal bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b]the petitioner shall report before the respondent police every Monday, at 11.00 a.m., for a period of four weeks and thereafter as and when required;

[c]the petitioner shall not abscond either during investigation or trial;

[d]the petitioner shall not tamper with evidence or witness 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 229A IPC.

WEB COPY

/ TRUE COPY /

sd/-
03/06/2021

/ /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,
TRICHY.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
DISTRICT POLICE OFFICE,
TVS TOLLGATE, TRICHY 20,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6946 of 2021
Date :03/06/2021

SM
PK/PN/SAR-III/08.06.2021 : 3P/5C