



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

Date : 01/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN
CRL OP(MD). No.8067 of 2021

WEB COPY

R.Ravi

... Petitioner/Rank Not Known

Vs

The State of Tamil Nadu
Rep by the Inspector of Police,
District Crime Branch,
Ramanathapuram District.
Crime No.20/2021.

... Respondent/Complainant

For Petitioner : Mr.Suresh Kumar. R,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhakar,
Additional Public Prosecutor

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

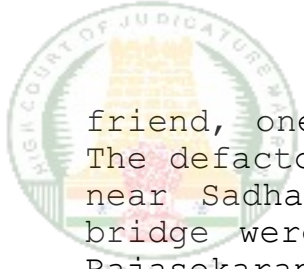
PRAYER :-

For Anticipatory Bail in Crime No.20/2021 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
465, 468, 471 and 420 of IPC in Crime No.20 of 2021, seeks
anticipatory bail.

2.The case of the prosecution is that the defacto complainant,
Sathaiyah is working as Noon Meal Scheme Organiser at Government
Middle School in Perungaloor Village. He belongs to the Scheduled
Caste Community. His friend Sambath approached and represented him
that one Rajasekaran, who belongs to Viduthalai Siruthai Party is
arranging to get patta in respect of the lands allotted to Adi
Dravidars. He also told that he had given money to Rajasekaran for
getting four plots, at K.K.Nagar in Ramanathapuram. Further, he
told him that if the defacto complainant is also willing to pay, he
would make arrangement for him also to get plots. Later, he
introduced him to said Rajasekaran. Rajasekaran told him that there
are three plots at K.K.Nagar in Ramanathapuram and he demanded
Rs.2,00,000/- for getting patta. The defacto complainant gave
Rs.2,00,000/- for getting plots in his name, in the name of his
wife, Parameshwari and son, Sampath. He informed this matter to his



friend, one Ravi. Ravi told him that he also wanted to get plots. The defacto complainant introduced Ravi to Rajasekaran. Three plots near Sadhak College and one plot near Pattinam Kaathan ECR Road bridge were shown to him. Ravi paid Rs.1,80,000/- as advance to Rajasekaran. Ravi had given money several times. Later, Rajasekaran asked Sathaiyah's photos and his wife and son's photos, along with the copies of their Aadhar Cards. After giving photos, he gave patta as if it was issued by the Adi Dravidar Welfare Board. When he visited the site, he found that there were no such plots available. Later, it is known that patta is forged and fabricated patta. It is also known that Rajasekaran had cheated many persons and issued forged pattas. Ravi approached the defacto complainant and told him that he had alone introduced Ravi to Rajasekaran and he paid money to Rajasekaran. So, he demanded the defacto complainant to pay money which was paid by him to Rajasekaran. The defacto complainant asked Rajasekaran about the money paid by Ravi. He scolded him that there is nothing for him to interfere in the matter between himself and Ravi. On 23.04.2020, when the defacto complainant was going near Thoruvaloor Kalungu Bus Stop, Ravi along with his henchmen picked up fight with him. In this regard, the defacto complainant has given a compliant before Ramanathapuram Bazaar Police Station. An enquiry was conducted in CSR No.58 of 2020. Ravi came for enquiry and he undertook that he would not indulge in any kind of violent activities. Subsequently, Ravi prepared a forged sale agreement and gave a complaint against the defacto complainant. The defacto complainant has nothing to do with the forged sale agreement. The defacto complainant had also paid money to Rajasekaran for getting plots meant for Adi Dravidars and was cheated. In such circumstances, this case came to be registered on the complaint given by the defacto complainant, Sathaiyah.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that infact, the petitioner is the victim. The defacto complainant, Rajasekaran and others colluded together and cheated Ravi. They issued a fabricated patta in this regard and therefore, the petitioner sent a complaint on 09.12.2020, in which petition enquiry was conducted in CSR No.13 of 2020. infact, Sathaiyah had executed the sale agreement on 20.07.2018 in favour of the petitioner for selling his property at cost of Rs.14,40,000/-. This sale agreement is duly signed by the notary public. In the sale agreement, the defacto complainant and the petitioner have affixed their signatures. Therefore, the claim of the defacto complainant that this sale agreement is created and forged one, is not ture. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that the investigation is pending. However, he submitted that the petitioner was also cheated like Sathaiyah.



5.The allegations made in the FIR, the materials produced by the learned counsel for the petitioner show that the petitioner has also been cheated by Rajasekaran, who is the first accused in this case. The allegation against the petitioner is that he had criminally intimidated the defacto complainant and created sale agreement dated 20.07.2018. The genuineness of the sale agreement has to be considered only at the time of trial. This Court is of the considered view that custodial interrogation of the petitioner is not necessary for the reason that this case has to be proved only through the documents. In this view of the matter, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on 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, Ramanathapuram District, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 respondent police daily, at 10.30 am., until further orders;

[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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

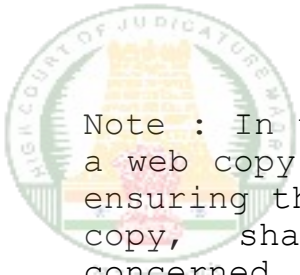
Sd/-

01/07/2021

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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.

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TO

1. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.8067 of 2021

Date :01/07/2021

VB/VR/SAR.III/07.07.2021/4P/5C