



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.9431 of 2021

1. Chandrakumar
2. Sathiyamoorthy
3. Subramani

... Petitioners/1st Petitioner Ranked
as Accused No.4 & Other Petitioners
Rank Now Known

Vs

State rep.by
The Inspector of Police,
District Crime Branch
(Land Grabbing Cell Pudukkottai),
Pudukottai District,
(in Crime No.6 of 2021). ... Respondent/Complainant

K.Rajam ... Petitioner/Intervener/
Defacto Complainant
(in Crl.M.P.(MD)No.5102 of 2021)

For Petitioners : M/s.Mathavan.G, Advocate.

For Respondent : M/s.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

For Intervenor : M/s.C.Susikumar, Advocate

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
<https://hcservices.ecourts.gov.in/hcservices/> 120B, 420, 467, 468 and 471 of IPC in Crime No.6 of 2021 on the file
of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that one K.Rajam lodged a complaint before the respondent police alleging that the property belongs to her father-in-law, for which, she is having copy of the patta alone. One of the fathers-in-law, namely, S.Chidambaram is having all original registered deeds and he is also not handing over the same to the de-facto complainant. At this stage one Kumaran using the patta issued to the subject property in his name by the Natham settlement Tashildar. He executed a general power of attorney to one Chandrakumar, in which, Subramani S/o. Kannaiah and M.Sathiyamoorthy are attesting witnesses. At this stage, the complaint was lodged with apprehension that the de-facto complainant father-in-law's property may be grabbed by the subsequent patta holders.

3.The learned counsel for the petitioners would submit that the first petitioner is only a power holder by way of registered power of attorney and he did not execute any document on the basis of the said power of attorney till date and the other petitioners are only the attesting witnesses. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

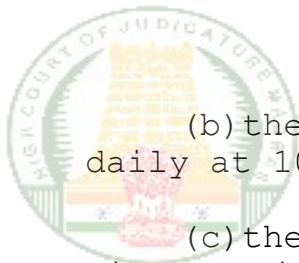
4.The learned Government Advocate (Crl.Side) appearing for the respondent strongly opposed this petition on the ground that investigation in this case is yet to be completed.

5.The learned counsel appearing for the de-facto complainant would submit that the accused has come forward to cancel the forged documents. Though, this Court directed the petitioners to place those cancelled documents, the same are not placed before the Court.

6.Considering the said submissions made by the learned counsel for the de-facto complainant that the alleged forged documents have been cancelled, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and 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 Court No.II, Pudukkottai, Pudukkottai District, 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 learned Magistrate concerned and on further conditions that:

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



(b) the petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders.

(c) the petitioners shall not tamper with the 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 have been imposed 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
26/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.III)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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 Court No.II,
Pudukkottai, Pudukkottai District.
2. The Chief Judicial Magistrate,
Pudukkottai.
3. The Inspector of Police,
District Crime Branch
(Land Grabbing Cell Pudukkottai),
Pudukkottai District.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

ORDER

IN

CRL OP (MD) No.9431 of 2021

Date :26/08/2021

SP/JC/SAR III/13/09/2021/4P/5C