



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)Nos.10596 and 10594 of 2021

V.Bose ... Petitioner/Accused No.2
in CRL OP(MD)No.10596 of 2021

1.Rajamanickam

2.Imam oli ... Petitioners/Accused 1 & 3
in CRL OP(MD)No.10594 of 2021

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Pudukottai,
Pudukottai District.
Crime No.2 of 2021

... Respondent/Complainant
in both cases

For Petitioners : Mr.V.Singan,
Advocate.
For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)
For Intervenor : Mr.B.Jameel Arasu
in both cases

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

For Anticipatory bail in Crime No.2 of 2021 on the file of the
Respondent police.

ORDER : The Court made the following order :

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offence punishable under Sections
120(B), 419, 420, 465, 468, 471 and 474 IPC in Crime No.2 of 2021,
seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant, her brothers and her mother are having property at Pudukottai town NGGO Colony. The petitioners along with other accused conspired and obtained forged patta from the Revenue Official for the said property and created inam settlement deed and power of attorney in order to grab the land of the defacto complainant.

3.The learned counsel for the petitioners submits that the petitioners have not indulged in any offence as alleged by the prosecution. There is a suit pending in O.S.No.257 of 2014 on the file of the Principal Sub Court, Pudukottai and A-2 has no connection with the property at all, A-1 has deposed as a witness in the said suit and A-3 as a power agent of A4 Rajkumar, is conducting the suit. Though the Principal District and Sessions Judge, Pudukottai has granted interim anticipatory bail to the petitioners on 29.01.2021 has cancelled the same vide order dated 26.07.2021.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted the petitioners conspired together with each other and created documents and therefore, the trial Court has though granted interim anticipatory bail, cancelled the same. Therefore, he opposed grant of anticipatory bail to the petitioners.

5.It is seen from records that the allegations as against this petitioner is that A5 created bogus documents as if the daughter of one Rengaraja Naidu, executed settlement deed of the property of Rengaraja Naidu in favour of her son A4. A4 in turn gave power of attorney on the property to A3, wherein A1 and A2 stood as witness.

6.Considering the facts and circumstances of the case and the allegations levelled against the petitioners and the fact that the settlement deed has been executed in the year 2014 and the power deed has been executed in the year 2021 with regard to the disputed property, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, these criminal original petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their 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, Pudukottai 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 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 10.30am 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/08/2021

/ TRUE COPY /

/ /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,
PUDUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, PUDUKOTTAI,
PUDUKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.SINGAN V Advocate SR.No.5694 and 5695

ORDER

IN

CRL OP(MD) No.10596

and 10594 of 2021

Date :25/08/2021

dsk

SS/JC/SAR-IV/07.09.2021 : 3P/7C

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