



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

Date : 07.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14946 of 2021

WEB COPY

V.Jeyakumar

... Petitioner/Accused No.1

Vs

State Rep. by
The Inspector of Police,
District Crime Branch,
Dindigul.
(Crime No.14 of 2020)

... Respondent/Complainant

For Petitioner : Mr.C.M.Arumugam
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor.

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

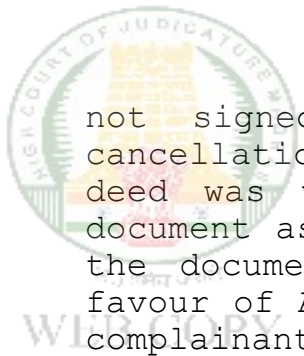
PRAYER :-

For Anticipatory Bail in Crime No.14 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This is the petitioner's second anticipatory bail application. The petitioner/first accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 419, 420, 467, 468, 471 and 474 of IPC in Crime No.14 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father Vallakondan had executed gift settlement deed in favour of the defacto complainant on 04.10.2013 in respect of plot No.10 to the extent of 1472 sq.ft and plot No.11 to the extent of 1562 ¼ sq.ft in Adiyanoothu Village in survey No.816/1B1. The settlement deed was registered as document No.4831/2013 by the Nagalnayakkanpatty Sub Registrar Office. On 28.03.2016, without knowledge of the defacto complainant, settlement deed executed in favour of the defacto complainant was cancelled illegally. One Balakrishnan and Jeyakumar shown to have attested in the cancellation deed as a witnesses. The defacto complainant was not executed as if the defacto complainant Balakrishnan was one of the witnesses. It is clear case of forgery. The defacto complainant has



not signed in this cancellation deed. The signature in the cancellation deed is not that of his signature. This cancellation deed was written by one Kannan. A1 and A4 had signed in this document as witnesses for identification identifying the parties to the documents. Then, Vallakondan had executed settlement deed in favour of A1 in respect of this property on 19.04.2018. The defacto complainant is not aware of this document also. In this document the defacto complainant's name is written and it was made to appear that the defacto complainant has affixed his thumb impression as a witness to this document. Another witness is one Mariyappan. In both documents, the defacto complainant has been impersonated by some one and in the first document, his signature was forged and the second document, some one has made thumb impression as if he affixed the same. These documents have been created only with a view to benefit A1. A3 and A5 had signed in the document dated 19.04.2018. Thus, it is clear that A1 with the help of other accused had created cancellation settlement deed dated 28.03.2016 and settlement deed dated 19.04.2018 by impersonating the defacto complainant. The Registration Officials are also in connivance with other accused involved in the offence. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that it is a case of impersonation and cheating.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that there is transaction only between the family members, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed. 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, Dindigul, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum 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 his Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police on every Saturday at 10.30 a.m. until further orders.

[c]the petitioner shall not tamper with the 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]**.

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

sd/-
07/10/2021

/ TRUE COPY /

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

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

ORDER IN
CRL OP(MD) No.14946 of 2021
Date :07/10/2021

SB/VR/SAR-III/26.10.2021/3P/5C