



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

Date : 14/09/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13363 of 2021

Muthupandi

... Petitioner/Accused No.7

Vs

The State rep.by
The Inspector of Police,
DCB Thoothukudi,
Thoothukudi District.
Crime No.27 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.VISHNUVARDHAN
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2021 on the file of the respondent police.

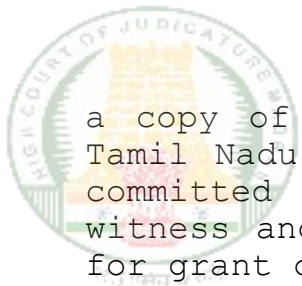
ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 419, 465, 468, 471, 420 IPC, in Crime No.27 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is having some properties to an extent of 2 Acre 90 Cents. The sixth accused, who is having similar name as of the defacto complainant, created a forged power of attorney document and executed the same in favour of the fifth accused on 13.07.2020. In the said power of attorney document, the petitioner / seventh accused and eighth accused stood as witness. On 14.07.2020, based on the power of attorney, the fifth accused has executed a sale deed in respect of the properties in favour of the fourth accused, with the accused nos.8 & 9 as witnesses. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is a 100% visually impaired person. He has also enclosed

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



a copy of the disability certificate issued by the Government of Tamil Nadu. The petitioner was not aware about the alleged forgery committed by the sixth accused. He was requested to stand as a witness and therefore, he has signed. He is an innocent and prayed for grant of anticipatory bail.

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4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent as well.

5. Considering the nature of allegation levelled against the petitioner and the fact that the petitioner is a 100% visually impaired person, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and 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, Special Court for Land Grabbing cases, Thoothukudi, 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 Magistrate 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 Aadhaar 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 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.

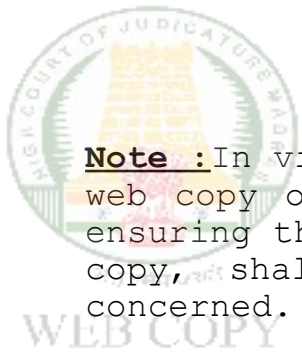
sd/-

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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.

TO

1. THE JUDICIAL MAGISTRATE
SPECIAL COURT FOR LAND GRABBING CASES,
THOOTHUKUDI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
DCB, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13363 of 2021
Date : 14/09/2021

SA/PN/SAR.3/20.09.2021/3P/5C