



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) .No.13950 of 2021

Kalimuthu

... Petitioner/Accused No.1

Vs.

State rep.by
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
(Crime No.574 of 2021)

...Respondent/Complainant

For Petitioner : M/s.C.Muthusaravanan, Advocate
for M/s.Senthil Murugan.C,Advocate.

For Respondent : M/s.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.574 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 419, 465, 468, 471 & 511 IPC, in Crime No.574 of 2021, seeks anticipatory bail.

2.The learned counsel for the petitioner would submit that he is only a buyer and he is in no way connected with the alleged documents produced by the other accused. However, he has been shown as accused and he is ready to co-operate with the investigation.



3.The learned Government Advocate (Crl.side) would submit that on verification of the Document No.398/1986 produced by the petitioner for registration before the Sub-Registrar, Kodaikanal Registration Office, it is found that it is a forged one. Therefore, a complaint was lodged before the respondent police. He would further submit that the forged document is yet to be recovered. Therefore, custodial interrogation of the petitioner is required in this case.

4.This Court, by order, dated 23.09.2021 granted interim anticipatory bail to the petitioner on condition that the petitioner should appear before the respondent police and co-operate for the enquiry. As per order of this Court, the petitioner appeared before the respondent police and the respondent police also filed a report that with a fake address, a paper publication has been made with the help of forged document by the accused for the purpose of creating document before the Sub-Registrar and on the complaint lodged by the Sub-Registrar, the case has been registered.

5.The petitioner as the *bona-fide* purchaser has agreed to purchase the property from other accused persons in terms of the paper publication and without verifying the encumbrance certificate, he committed a mistake.

6.Considering the facts and circumstances of the case and also the fact that the petitioner is a *bona-fide* purchaser and since no document has been created, this Court is inclined to grant anticipatory bail to the petitioner.

7.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, Kodaikanal, 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 their Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before respondent police as and when required;

[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/-
26/10/2021

/ TRUE COPY /

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

vsd

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

ORDER
IN
CRL OP(MD) No.13950 of 2021
Date :26/10/2021