



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24318 of 2021

Singaravelu

... Petitioner

Vs.

State represented by
Inspector of Police,
District Crime Branch,
Tiruvarur District
Crime No.6 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest by the respondent police in Cr.No.6 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Sounthar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

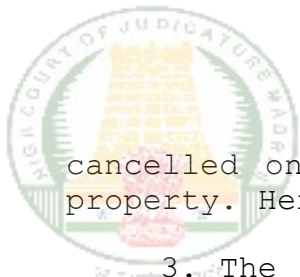
For Intervener : M.Mathan Raj

ORDER

(This case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of IPC, in Crime Number 6 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that his principal habib Beevi is owner of land in S.No.490/1 with an extent of 14 cents and S.No.490/5 [wrongly mentioned as S.No.490/1 in FIR] with an extent of 15 cents [totally 29 cents] and she executed a power deed in favour of petitioner and one Hyder Ali on 06.03.2008. He claimed that in pursuance of said power petitioner and Hyder Ali entered into a sale agreement with one Meenakshi and received a consideration of one crore and ten lakhs and they have not paid any consideration amount to their principal. The defacto complainant further claimed that the petitioner prepared a forged receipt in a civil suit and the power deed was subsequently



cancelled on 24.10.2019 and the said Habib Bevi took possession of property. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner along with one Hyder Ali entered into a sale agreement with one Meenakshi in respect of Habib Beevi's property and some of his own property. The total extent of Habib Bivi property is 12,615 square feet and the total extent of petitioner's property is 7,177 square feet. Both the properties are contiguous and hence single agreement was entered into. The petitioner received a portion of agreement amount from agreement holder Meenakshi namely Rs. One Crore and the said Habib Bivi [defacto complainant's principal] was paid Rs. 75,00,000/- towards her share and receipt issued by her for having received the amount was already filed in O.S.No.46 of 2020 on the file of the Sub Court, Tiruvarur and the same is posted in special list for trial. The remaining Rs. 25,00,000/- in the hands of the petitioner is retained by him towards his share as his land to the tune of 7177 Square feet. The learned counsel, on instructions, would further submit that the petitioner, without prejudice to her rights, is ready to deposit the amount of Rs. 20,00,000/- (Rupees Twenty Lakhs only) to the credit of the Crime Number 06 of 2021. Hence, he prays for grant of anticipatory bail to the petitioner with any conditions.

4. The learned Counsel appearing for the Intervener raised his strong objections for granting anticipatory bail to the petitioner stating that the original property belong to his mother and on 23.02.2015, the petitioner and one Hyder Ali entered into a sale agreement one Meenakshi and received a consideration of one crore and ten lakhs and they have not paid any consideration amount. He further submits that the petitioner had created a forged receipt dated 31.08.2015 as if the defacto complainant's mother had received a sum of Rs. 75,00,000/- from the petitioner.

5. The learned Additional Public Prosecutor submits that the petitioner issued a fabricated cash receipt as if her mother received Rs. 75,00,000/- from the petitioner. He further submits that investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, and also considering that the dispute already referred in civil suit in O.S.No.46 of 2020, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of



the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Mayiladuturai 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner shall deposit a sum of Rs.20,00,000/- (Rupees Twenty Lakhs Only) to the credit of Crime Number 06 of 2021 within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier before the Judicial Magistrate, Mayiladuturai. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the amount of Rs.20,00,000/- was deposited by the petitioner to the credit of Crime Number 06 of 2021 within a period of two weeks;

(b) 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 Aadhar card or Bank pass Book to ensure their identity.

(c) the petitioner shall report before the respondent Police on every Tuesday and Saturday at 10.30 a.m., until further orders.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioner shall not abscond either during investigation or trial.

(f) 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].

(g) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

21/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE JUDICIAL MAGISTRATE,
MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.SOONTHAR Advocate on payment of necessary charges
Sr.1009

CC to M/S.M.MATHAN RAJ Advocate on payment of necessary charges
Sr.1096

CRL OP.24318/2021

Date :21/01/2022

RVR 28/01/2022