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CRL OP(MD).



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5016 of 2022

K.Abdul Aziz

... Petitioner/2nd Accused

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
DCB, Superintendent of Police Office,
Moonruvmavadi, Madurai.
Crime No.1 of 2022.

... Respondent

For Petitioner : Mr.Ramasamy.R.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 1 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 419, 420, 465, 466 and 471 IPC, in **Cr.No.1 of 2022**, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused impersonated one Annalakshmi, who was already dead, and executed a registered sale deed in favour of the petitioner. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is doing real estate business, that one Selvam approached the petitioner and informed that one Annalakshmi owner of the property situated in S.No.42/2A2 30 cents in Neerethan Village, Vadipatti Taluk, Madurai District. was ready to sell her property,



that the petitioner believing the words of the said Selvam had agreed to purchase the same and that the said Selvam brought the said Annalakshmi and executed a registered deed in favour of the petitioner on 23.12.2020 before the Vadipatti Sub Registrar Officer, Vadipatti.

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4.The learned counsel for the petitioner would submit that subsequently came to know that the original owner Annalakshmi was already dead and that the said Selvam has impersonated the first accused and registered the said power of attorney and on that basis FIR came to be registered.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is pending.

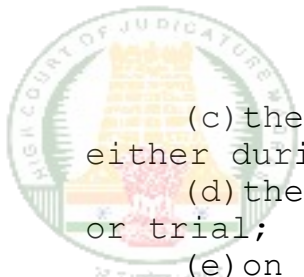
6.Today, when the matter is taken up for hearing, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner, wherein, he has specifically undertaken to cancel the power deed executed in his favour at any point of time and he will never proceed with the power deed in future registration. He would further submit that the respondent police was not able to trace the first accused, therefore, he is not in a position to cancel the power of attorney and the petitioner is ready and willing to cancel the power of attorney.

7.Considering the facts and circumstances of the case and also the fact that the petitioner is not having any bad antecedents and also taking note of the undertaking affidavit filed by the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **(*)The Special Judicial Magistrate Court for Exclusive Trial of Land Grabbing Cases, Madurai**, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.



(c) the petitioner shall not tamper with evidence or 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

31/03/2022

(*) Amended as per order of this court dated 15.12.2022 in CRL MP (MD).15638/2022 in CRL OP(MD). 5016/2022 by ADJCJ

Time is also extended further for a period of two weeks, from the date on which the order is copy made ready.

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/12/2022

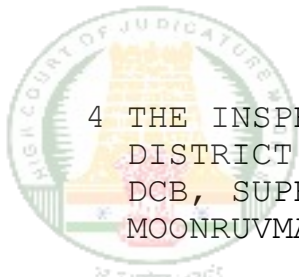
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

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 SPECIAL JUDICIAL MAGISTRATE COURT FOR
EXCLUSIVE TRIAL OF LAND GRABBING CASES, MADURAI,
- 2 THE JUDICIAL MAGISTRATE NO.IV
MADURAI
- 3 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
DCB, SUPERINTENDENT OF POLICE OFFICE,
MOONRUVMVADI, MADURAI.

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

+1 CC to M/s.S.BALAJI, Advocate (SR-14961[I] dated 16/12/2022)

ORDER

IN

CRL OP(MD) No.5016 of 2022

Date :31/03/2022

RS/PN/SAR.2 (11.04.2022) 4P-6C

RS/VR/SAR.3 (23.12.2022) 4P-7C