



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 12/04/2022  
PRESENT

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**The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN**  
**CRL OP(MD) . No.6807 of 2022**

A.S.Siva Sankar

... Petitioner/Accused No.8

Vs

The Inspector of Police,  
City Crime Branch,  
Tirunelveli City,  
in Cr No.7 of 2020..

... Respondent/Complainant

For Petitioner : Mr.I.Suthakaran,  
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,  
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.7 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A8, apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 465, 468 and 471 of I.P.C., in Crime No.7 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.Totally there are twelve accused in this case. The case of the prosecution is that the first accused has impersonated one of the legal heirs of one Narayanan Chettiar and executed a settlement deed in favour of A2, in which, A3 and A4 stood as witnesses. Thereafter, A2 in turn executed a power of attorney in favour of A5. Thereafter, the petitioner/A8 has entered into a sale agreement with A11 on the strength of power of attorney. Thereafter, the defacto complainant filed a suit in O.S.No.126 of 2019 before the Principal District Munsif, Tirunelveli seeking for declaration all the documents, which was executed by the accused persons, as null and void. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a power of attorney holder, which was executed by A5 and the same was duly registered before the Sub Registrar, Madurai, Tirunelveli District Vide doc No.3081 of



2019 dated 17.05.2019 and he entered a sale agreement with A11, for selling the above described properties, in accordance with law. He further submitted that the defacto complainant lodged a false complaint with intent to extract money from the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioner.

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4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that in order to grab the properties, A1 impersonated one of the legal heirs of one Narayanan Chettiar and executed settlement deed in favour of A2, in which, A3 and A4 stood as witnesses. Thereafter, A2 in turn settled the property in favour of A5. A5 has executed power of attorney in favour of the petitioner/A8. Subsequently, the petitioner has entered into sale agreement with A11. Hence, the crime has been registered.

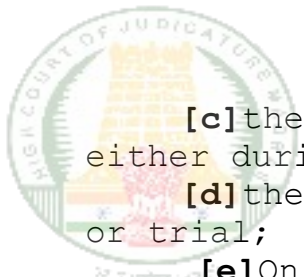
5.On perusal of the records, it is seen that A1 impersonated one of the legal heirs of one Narayanan Chettiar and executed settlement deed in favour of A2, in which, A3 and A4 stood as witnesses. Thereafter, A2 in turn settled the property in favour of A5. A5 has executed power of attorney in favour of the petitioner/A8. Subsequently, the petitioner has entered into sale agreement with A11. Thereafter, the defacto complainant filed a suit in O.S.No.126 of 2019 before the Principal District Munsif, Tirunelveli seeking for declaration all the documents, which was executed by the accused persons, as null and void.

6. It is seen that even after dismissal of the earlier anticipatory bail petition, the respondent police did not take steps to secure the petitioner. That apart the quash petition filed by the petitioner was also dismissed by this Court. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate (Special Court for Anti Land Grabbing Cases) Tirunelveli on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two blood related 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 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 a.m., for a period of four weeks and thereafter as and when required for interrogation;



[c]the petitioner shall not tamper with 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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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,  
SPECIAL COURT FOR ANTI LAND GRABBING CASES,  
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI.

3 THE INSPECTOR OF POLICE  
CITY CRIME BRANCH, TIRUNELVELI CITY

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

+1. CC to M/S.SUTHAKARAN I Advocate SR.No.3275

ORDER

IN

CRL OP(MD) No.6807 of 2022

Date :12/04/2022

SS/RJ/SAR:IV/18.04.2022 : 3P/6C

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