



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

Date : 10/08/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14353 of 2022

Rameshkannan

... Petitioner/Accused No.5

Vs

The State Rep. By,
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
Crime No.17 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Anandan B,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.17 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.5, who was arrested on 15.07.2022 for the alleged offences under Sections 120(B), 294(b), 406, 420 and 506 (i) IPC, in Crime No.17 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and his father, namely, D.Sathyanathan were running a company, called 'Deva and Co'. For the aforesaid Company, they purchased a land in S.Nos.1538, 1539, 1557 and 1558 in Aniyaparanallur Village through a power agent, namely Kannan. The sale deed was registered on 06.10.2016 for a sale consideration of Rs.19,11,000/-. The entire sale consideration was paid on the date of registration itself. Later, the defacto complainant came to know that the aforesaid persons forged the power deed and illegally sold the property. Hence, the present case came to be registered against the accused persons and the petitioner was arrested on 15.07.2022. Ever since, he is in custody.



3.The learned counsel for the petitioner submitted the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that already this Court has granted anticipatory bail to the co-accused. Hence, he prays for grant of bail to the petitioner.

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4.It is seen that on the basis of the complaint given by the defacto complainant, CSR.No.2301 of 2018 was registered. Towards the payment of the above said alleged transaction, two blank cheques were issued. Later, it was returned due to dishonouring of the cheques. Even though, during the course of enquiry, there was undertaking given by the first accused to settle the entire issue, the third accused namely, Perumal Raja moved anticipatory bail application before this Court in Crl.OP(MD)No.19981 of 2021. While granting bail, observation has been made by this Court to the effect that the original impersonation cannot be condoned or cured by way of the aforesaid settlement between the first accused and the defacto complainant.

5.The learned Additional Public Prosecutor submitted that this petitioner is concerned he is the power holder and he has impersonated the original owner. According to him, the petitioner is not entitled for bail.

6.Considering the period of incarceration and also considering the fact that already the first accused has undertaken to settle the entire issue, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 learned Judicial Magistrate No.IV, Thoothukudi, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
10/08/2022

/ TRUE COPY /

10/08/2022
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



TO

1. THE JUDICIAL MAGISTRATE NO.IV,
THOOTHUKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, PERURANI,
THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.ANANDAN, Advocate (SR-8346[I] dated 10/08/2022)

ORDER
IN
CRL OP(MD) No.14353 of 2022
Date :10/08/2022

dss
USK/VR/SAR-IV/10.08.2022/3P/7C