



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/01/2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.18375 of 2021

1. Ranjith Kumar
2. Balakrishnan
3. Nagarajan

... Petitioners/Accused Nos.3,5 & 6

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Tiruchirappalli.
(Cr.No. 20 of 2021).

... Respondent/Complainant

For Petitioners: M/s.Vinayak S,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 20 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 419, 420, 423, 465, 467, 468 and 471 IPC, in Crime No.20 of 2021, seeks anticipatory bail.

3.The case of the prosecution is that the defacto complainant's father K.Kannan purchased the plot Nos.226 and 227 comprised in Survey No.37/1 in Mekkudi Village, Triuchirappalli District on 10.12.1986 and her father died on 07.07.2013. At present, she is under the care of her uncle name K.Thangaraj. While so, the first



accused Kannan had created a general power of attorney by taking advantage of name similarity of her father's name and on the basis of the forged general power of attorney, the first and the second accused executed a sale deed in document No.2171 of 2019, dated 31.05.2019 in favour of the first petitioner herein and the second and third petitioners are the attestors to the sale deed dated 31.05.2019. The fourth accused Dr.Elango has given a life certificate as if the defacto complainant's father is alive. Hence, the complaint.

4.This Court by earlier order dated 28.10.2021, dismissed the application filed by the petitioners seeking anticipatory bail, considering the nature offence committed by the petitioners.

5.The learned counsel for the petitioners has come forward with the present application stating that the petitioners are willing to cancel the document and hence, presented the document before the concerned Sub Registrar. The other accused who sold the property have not co-operated with the petitioners to cancel the documents. Apart from this, the petitioners have come forward with an affidavit stating that they will not claim any right or title over the property. The relevant paragraphs from the affidavit filed by the petitioners are extracted as under:-

- 7.submit that I will not claim any right, title, interest over the property, which is covered under disputed sale deeds vide document No.2171 of 2019 and 2172 of 2019 registered on the file of the K.Sathanur, Trichy District.
- 8.I submit that I affirm that the defacto complainant is an absolute owner of the property and I hereby undertake that I never claim any title or possession over the property which is in dispute and covered under Document No.2171 of 2019 and 2172 of 2018 registered on the file of the K.Sathanur, Trichy District.
- 9.I submit that I give my consent to the Sub Registrar, K.Sathanur to cancel the above documents either by suo motu or on the basis of the application given by the defacto complainant for cancellation of sale deed. I will never contest before the Sub-Registrar, K.Sathanur or any other forum by claiming that I am the owner of the property at any cost. I have no objection to cancel the Document No.2171 of 2019 and 2172 of 2019 registered on the file of the K.Sathanur, Trichy District.

6.Considering the fact that the petitioners realized their mistake and filed the affidavit that they will not claim any right or title over the property of the defacto complainant, this Court



7. Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court, Tiruchirappalli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge concerned and on further conditions that:

[a] the petitioners 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.

[a] (i) the petitioners shall also file an affidavit before the respondent police that they will not involve in any offence in future and the similar affidavit shall also be filed before the concerned Magistrate, at the time of furnishing sureties.

[b] the petitioners shall report before respondent police as and when required.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

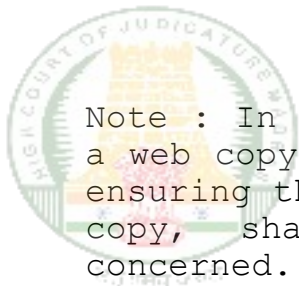
[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

The respondent police shall furnish the copy of this order to the defacto complainant.

sd/-
04/01/2022

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/ /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 concerned.

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- TO
- 1.The Additional Mahila Judge,
Tiruchirappalli,
 - 2.The Inspector of Police,
District Crime Branch,
Tiruchirappalli.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.18375 of 2021
Date :04/01/2022

RS/VR/SAR.1(11.01.2022) 4P-4C