



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18458 of 2022

B.Karthikeyan,

... Petitioner/Accused No.6

Vs

State Rep.by
The Inspector of Police,
District Crime Branch Police Station,
Theni.
Cr.No.26/22.

... Respondent/Complainant

For Petitioner : M/s.Lajapathi Roy T, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

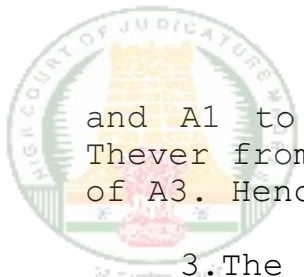
PRAYER :-

For Anticipatory Bail in Crime No.26/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 420, 465, 467, 468, 471 and 109 IPC, in Cr.No.26 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's grandfather is having a patta land in S.Nos.474/4, 474/5, 474/9 to an extent of 2 acres and 54 cents in punja land and A1 had repeatedly approached the de-facto complainant to purchase the said land for minimal consideration. But the de-facto complainant was refused the same and in the meanwhile, A1 had fabricated a power deed in his favour by claiming that the de-facto complainant's grandfather, Mr.Otcha Thever had executed a power deed



and A1 to A3 had obtained a bogus life certificate of Thever from A5 and thereafter, A2 had executed a sale deed in favour of A3. Hence, the complaint.

3.The learned counsel for the petitioner would submit that after verifying the entire records, the petitioner has registered the sale deed and thereafter, he came to know about the fraudulent activity of the accused 1 to 3 and then, the petitioner had immediately taken steps to cancel the registration of the said sale deed on 04.04.2022. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that A4 and A8 have already been granted anticipatory bail by the trial Court. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that without perusing the documents, the petitioner registered the sale deed in favour of A3 and after, he came to know that it was a forged one and immediately, he taken steps to cancel the sale deed. He would further submit that five witnesses have been examined and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the co-accused have already been granted anticipatory bail by the trial Court and five witnesses have already been examined, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

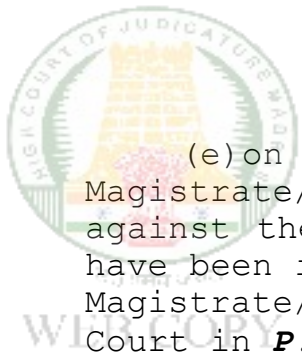
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the 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 until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation



(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/-
02/11/2022

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/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE,
THENI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH POLICE STATION,
THENI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.LAJAPATHY ROY, Advocate (SR-12357[I] dated 03/11/2022

ORDER
IN
CRL OP(MD) No.18458 of 2022
Date : 02/11/2022

sj i
PKP/BUC/SAR-2/11.11.2022/3P/6C