



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.20576 of 2021

Sakunthala

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Virudhunagar District.
(Crime No.14/2012).

... Respondent/Complainant

For Petitioner : Mr.MARIAPPAN.N,
Advocate.

For Respondent : Mr.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu (Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.14 of 2012 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 423, 465, 468 and 471 IPC, in Crime No.14 of 2012, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused created fraudulent power of attorney, as if it was executed by one Sakunthala D/o.Nagarsamy, in favour of A1 and divided the property in to several plots and sold to various persons. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the property was originally owned by one Sakunthala D/o.Nagarsamy, alleging that the first accused in the year 1996 got the power of attorney as if the power deed was executed by the Sakunthala D/o.Nagarsamy and that subsequently on the basis of the power of attorney, sold the property to some third party and that in the meanwhile, the owner Sakunthala D/o.Nagarsamy has executed the power of attorney in favour of the defacto complainant and after coming to know about the power of attorney in favour of the first accused and



consequent sale to the third party, the above complaint came to the registered.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that UDR patta was allegedly taken in favour of Sakunthala D/o.Nagarsamy, but no such person is available in the name as Sakunthala D/o.Nagarsamy.

5.The learned counsel for the petitioner would submit that the petitioner's father name is Nagarsamy and she is the wife of Velu Pillai and that she has nothing to do with with the occurrence as alleged by the prosecution.

6. The learned Government Advocate (Criminal Side) appearing for the respondent would further submit that the investigation has already been completed and going to file charge sheet shortly and that co-accused/A1 has already arrested and released on bail.

7.Considering the facts and circumstances of the case and also the facts that the investigation is almost completed, that the first accused was already released on bail and also taking note of the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar 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 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 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**



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

sd/-
31/03/2022

/ TRUE COPY /

WEB COPY

/ /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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.20576 of 2021
Date :31/03/2022

SA/JM/SAR.2/11.04.2022/3P/5C