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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP(MD). No.19809 of 2022

Ananthan, ... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
City Crime Branch,
Trichy City.
(Crime No.30/2022). ... Respondent/Complainant

For Petitioner : M/s.Karunakaran K M, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr No.30/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 419, 420, 467, 468 and 471 of IPC, in Cr.No.30 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the second wife of one Dharmaraj. Earlier, the above said Dharmaraj married one Kala and having 3 children through her. When the above said Dharmaraj was living in abroad due to job purpose, the said Kala filed a petition for divorce and got divorce as *ex-parte* on 10.12.2007. After that, he married the defacto complainant on 14.07.2013 and died at London on 19.01.2021. After his demise, she verified the property documents and known about the land

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property of Plot.Nos. 91 & 92 situated at Periyar Nagar, , Trichy. The original documents of the above said property were in the custody of the said Kala(A1). The said kala has sold the property to the accused No.5 & 6 on 24.03.2016 by committing offence of impersonation of her husband and creating forged documents. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner's name was not mentioned in the FIR and there is no overt act as against the petitioner. The petitioner had only act as broker. The accused No.6 & 7 were granted anticipatory bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that 3 witnesses have been examined. The co-accused were released on anticipatory bail by this Court. The petitioner herein has created bogus documents i.e., ID Card and Voters ID etc., There is specific allegation as against the petitioner. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that 3 witnesses have been examined and co-accused were released on anticipatory bail, 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 Special Judicial Magistrate Anti Land Grabbing Special Court, Trichy, 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 respondent Police or to the Police Officer, who intends to arrest or 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;

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(d)the petitioner shall not abscond either during inve on 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];*** and;

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

sd/-
18/11/2022

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/11/2022

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

DSS

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 SPECIAL JUDICIAL
MAGISTRATE ANTI LAND GRABBING SPECIAL COURT
TRICHY

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TRICHY CITY.

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

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-13340[I] dated 21/11/2022

ORDER
IN
CRL OP(MD) No.19809 of 2022
Date :18/11/2022

PKP/VR/SAR-2/30.11.2022/3P/6C

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