



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.20402 of 2022

WEB COPY

Chandrasekar

... Petitioner/Accused No.3

Vs

State Rep.by

The Inspector of Police,

District Crime Branch (ALGSC) Police Station,

Madurai District.

(In Crime No.32 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Karunanidhi R, Advocate.

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

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

PRAYER :-

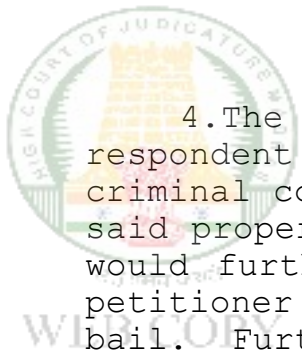
For Anticipatory Bail in Crime No.32 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 467, 468, 471 and 120(B) of IPC, in Crime No.32 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the land property comprised in Survey No.131/2A and 131/2C measuring 55 cents owned by one R.Venkateswar Iyer. He had sold this property to one Durai Pandian Pillai, who is none other than the father of the defacto complainant. Taking advantage of the absence of the defacto complainant, A1, who is the neighbour of the said property, impersonated A3 as real owner of the said property and created forged power of attorney in his favour. Thereafter, A1, in turn, executed a sale deed in favour of his wife. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the said occurrence was taken place in the year 2011, but the FIR has been registered in the year 2020. He would further submit that the petitioner's name was misused by A1 and A2 and created the fabricated documents. Further, the petitioner is an innocent person and he has been falsely implicated in this case.



4.The learned Government Advocate (Crl.side) appearing before respondent police would submit that all the accused entered into criminal conspiracy and impersonated A3 as if he is the owner of the said property and executed a power of attorney in favour of A1. He would further submit that no previous case is pending against the petitioner and the co-accused were already granted anticipatory bail. Further, in this case, five witnesses have been examined and investigation is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the nature of charges levelled against the petitioner and also the facts that the petitioner is not having any bad antecedents and the co-accused were already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on 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 Cases, Madurai, 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with the 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 5560]**.

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

sd/-

18/11/2022

/ TRUE COPY /

/12/2022

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



To

1 THE SPECIAL JUDICIAL MAGISTRATE,
ANTI LAND GRABBING CASE, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (ALGSC) POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-13278[I] dated
18/11/2022)

ORDER

IN

CRL OP(MD) No.20402 of 2022

Date :18/11/2022

CP

RS/SSS/SAR.3(01.12.2022) 3P-6C