



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21700 of 2022

A.Sivapandian

... Petitioner/Accused No.5

Vs

The State Rep.by
The Deputy Superintendent Of Police,
Anti Land Grabbing Special Cell,
Madurai
(Crime No.24 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Janakiramulu V, 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.24 of 2022 on the file of the Respondent Police.

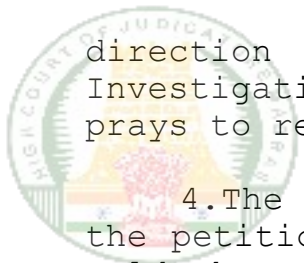
ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 418, 419, 420, 466, 468, 471 r/w 120(b) of I.P.C, in Crime No.24 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Shanthi Sheela is that her husband Rajasekaran is the owner of the property in Survey No.130/2B (130/12B, 120/2B) *admeasuring* 11 cents. The accused persons 1 to 3, sold the property to other accused persons, by way of impersonation, cheating and forgery. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and had not committed any offence, as alleged by the prosecution. A false case has been foisted against him, since he stood as an attesting witness to the document ie., Power of Attorney. Other than that he has not committed any other offence. Moreover, he is not at all a beneficiary. He is ready to co-operate with the investigation, in respect of the document. As per the

<https://www.mhc.tn.gov.in/judis>



direction of this Court, the petitioner appeared before the Investigation Officer for the purpose of investigation. He prays to release the petitioner on anticipatory bail.



4. The learned Government Advocate (Crl.Side) submitted that the petitioner along with the other accused, conspired together and sold the property, which belongs to the defacto complainant, by way of impersonation. The petitioner stood as an attesting witness in the document, viz., Power of Attorney. In this case, the investigation is not yet completed. Hence, prays to dismiss the petition.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and 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, Special Court for Land Grabbing, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 everyday at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday 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]**; and;



[f] if the accused/ petitioner thereafter absconded, a fresh FIR can be registered under Section 229-A IPC.



sd/-
08/12/2022

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/12/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING, MADURAI.
- 2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.JANAKI RAMULU, Advocate (SR-14698[I] dated
12/12/2022)

ORDER
IN
CRL OP(MD) No.21700 of 2022
Date :08/12/2022

PNM
MK/VR/SAR 1/19.12.2022/3P/6C