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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.492 of 2023

Ramakrishnan

... Petitioner/Accused No.6

Vs

The State represented by
The Inspector of Police,
Thoothuklud District Crime Branch,
Thoothukudi District.
Crime No.2 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Ramkumar Adityan B,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120(B), 419,465,468,471 and 420 of I.P.C., in Crime No. 2 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that one Mohamed Jamil purchased a land in S.Nos.983 and 984 measuring 4 Acres and 9 Cents on 21.05.1982 from MAM Meera Sahib of Kulasekarapattinam vide Tiruchendur Sub Registrar Office Registration Document No. 513/1982. After the death of Mohamed Jamil all the legal heirs enjoyed the property. All the original documents are with the defacto complainant only. The accused 1 to 4 have created forged documents illegally including the power deed in the name of A2. Thereafter the accused collected Rs.10,00,000/- from A5 and made an sale agreement with A5. Later A2 cancelled the sale agreement, hence the case.



3. Heard. Perused the materials available on record including the First Information Report.

4. The defacto complainant is the owner of the property comprised in S.No.513/1982 ad-measuring 4 acres and 9 cents. While so the first accused impersonated himself as owner of the property and executed power of attorney in favour of A2 and A2 in turn made a sale agreement in favour of A5. However A5 could not pay the balance sale consideration, as such the second accused approached the petitioner herein who is arrayed as A6 in the sale agreement also received the advance amount from the petitioner and cancelled the agreement. Therefore he executed sale deed in favour of A6. The petitioner seems to be a genuine purchaser of the subject property for valid consideration. Now A1 and A3 were arrested and remanded to judicial custody and released on bail. In view of the custodial interrogation of the petitioner may not be required, hence this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. 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 on which the order copy made ready, before the learned Judicial Magistrate No.IV, Thoothukudi 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, daily at 10.30 a.m., for a period of two weeks and thereafter 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 5560].



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

sd/-
07/03/2023

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV
THOOTHUKUDI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
THOOTHUKUD DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT. CRIME NO.2 OF 2023.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.RAMKUMAR ADITYAN B Advocate SR.No.3705

ORDER
IN
CRL OP(MD) No.492 of 2023
Date :07/03/2023

SS/SAR III/14/03/2023/3P/6C