



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13.03.2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD)No.1838 of 2023

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... Petitioner / Accused No.3

Vs

The State rep by
The Inspector of Police,
District Crime Branch,
Trichy District.
(Crime No.27 of 2022)

... Respondent / Complainant

For Petitioner : Mr.Prabhu Rajadurai, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2022 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 419, 420, 465, 468, 469 & 471 IPC r/w Section 34 IPC in Crime No.27 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused persons created forged documents and impersonated as original owners of the property, which belongs to the defacto complainant, and executed sale in favour of the third parties. Hence, the case.

3.Heard and perused the materials available on records.

4.It is seen that there are totally three accused in this case and the petitioner is arrayed as A3. Even according to the prosecution, the property belongs to the defacto complainant and A1 impersonated him and executed power of attorney in favour of A2. Subsequently, A2 executed sale deed in favour of the petitioner herein. Thereafter, the petitioner divided the land as house plots and sold the same to the various persons. The petitioner had no



knowledge about the impersonation. In fact, entire transaction happened in the year 2008 to 2009 and it is for the defacto complainant to have knowledge about his property. As of now, no land is stand in the name of the petitioner. Therefore, custodial interrogation of the petitioner does not require.

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5. Considering the above facts and circumstances of the case, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for Land Grabbing cases and Additional Mahila Judicial Magistrate, 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 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/-

13/03/2023

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/03/2023

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



To

1.The Special Court for Land Grabbing Cases and
Additional Mahila Judicial Magistrate,
Trichy.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
District Crime Branch,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.1838 of 2023

Date :13/03/2023

ED/CG/SAR-4 (23/03/2023) 3P 5C