



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

DATED: 14.02.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

WEB COPY

CRL.O.P(MD)No.1826 of 2023

S. Ulaganathan

...Petitioner/ Accused 1

-vs-

State represented through
Inspector of Police,
Uthumalai Police Station,
Tenkasi District.
(Cr.No. 60 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest in connection with Cr.No. 60 of 2022 on the file of the respondent Police.

For Petitioner : Mr.V.P.Rajan

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 467, 468, 471 and 420 IPC in Crime No. 60 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Mumtaj Begam is that her family is entitled to the land to an extent of 7.5 cents comprising in Survey No.760/38 Uthumalai Village, Ward No.13 Tenkasi District. The petitioner created forged documents and obtained Gift deed No.2466 of 2016 from his father Sankarapandi Devar s/o Arunagiri Devar in respect of 3 cents. The further allegation is that his father had no right over this property and as such the gift deed executed in favour of the petitioner is forged one. In this regard, she preferred a complaint before District Registrar, Tenkasi for cancellation of the alleged gift deed stands in the name of the petitioner. After due enquiry, the District Registrar found that the gift deed is forged one, hence he forwarded his findings to the respondent police for prosecuting the petitioner. Hence, the complaint.



3.The learned counsel for the Petitioner would submit that the petitioner is an innocent person and a false complaint has been given. He would also submit that the petitioner's grandfather had only disbursed 4 cents to the petitioner and other accused who are entitled to the remaining 3 cents whereas she has claimed the entire 7 cents. However based on the complaint given by the defacto complainant, the District Registrar has cancelled the deed executed by the petitioner's side and challenging the same, civil suit is also pending. He would further submit that the entire case of the prosecution is borne out by documents and thereby he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that the petitioner along with other accused by fabrication of documents and forgery had attempted to knockoff the property belonging to the defacto complainant. However, he would submit that the said document has been cancelled by the District Registrar and civil suit is also pending between the parties and he opposes to grant anticipatory bail.

5.Heard and perused the materials available on record. Taking into consideration the 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 learned Judicial Magistrate, Alankulam, on condition that the petitioner shall execute 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 three weeks, thereafter every Saturday at 10.30 am until further orders.

[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/-
14/02/2023

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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

To

1. The Judicial Magistrate , Alankulam
- 2.Do-through the Chief Judicial Magistrate,
Tirunelveli District.
- 3.Inspector of Police,
Uthumalai Police Station,
Thenkasi District.
(Cr.No. 60 of 2022)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP (MD) No.1826 of 2023
Date :14/02/2023

ED/BUC/SAR IV(23.02.2023) 3P 5C