



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRACRL.O.P(MD)No.2128 of 2023

WEB COPY

A.R.Angusamy

... Petitioner/Accused-2

-VS-

The State rep.by
The Inspector of Police,
District Crime Branch (Anti Land Grabbing Cell),
Sivagangai.
Tamil Nadu -630 561
(Crime No.3 of 2023)

... 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 by the respondent Police with respect to Cr.No.3 of 2023.

For Petitioner : Mr.R.RAJESH KUMAR, Advocate

For Respondent : Mr.K.SANJAY GANDHI
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 406, 419 and 420 IPC in Crime No.3 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Sangan is that the defacto complainant has purchased a property measuring 5 cents vide document No.962/1999 on 06.06.1999 and since he was employed abroad, he had entrusted the documents with the brother-in-law, the accused herein. During the period between 22.09.2000 to 10.09.2001, the defacto complainant was living abroad and taking advantage of the position, the accused, by impersonation, had fabricated the document and had transferred the property in his favour through the document No.2174/2000. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are the brothers-in-law, the defacto complainant had sold the property to the petitioner through a sale deed dated 20.11.2000, which has been registered as document No.2174/2000 and thereafter, the petitioner had put up a house in that area and he is living in the house for the past 20 years and if at all it is true that the petitioner had transferred the property



of the brother-in-law in his favour, he would have given the complaint then and there and due to some family feud, he has given the present complaint at this point of time. He would submit that the defacto complaint also preferred a complaint before the Deputy Registrar and an order was passed in favour of the defacto complainant and against which the petitioner has filed an appeal and it is pending before the Inspector General of Registration. Further, the petitioner has filed a suit against the defacto complainant and the same is also pending. He would also submit that the entire case of the prosecution is borne out by documents and the petitioner is ready to appear before the respondent and hand over the original documents. He would further submit that the petitioner is ready to go for private negotiation without prejudice to his rights and contentions. The learned counsel for the petitioner would submit that the petitioner is ready to file an affidavit of undertaking before the learned Magistrate that he will not further encumber the property. He prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the petitioner is the brother-in-law of the defacto complainant and the defacto complainant had entrusted the original document of the property and the petitioner had fabricated the same and by impersonation he had transferred the property in his favour and investigation is pending. He prays for dismissal of this application.

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 Special Court for Anti Land Grabbing Cases, Ramanathapuram, 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 shall file an affidavit of undertaking before the Magistrate stating that he will not further encumber the property;

[b] 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.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m for a period of 4 weeks and thereafter, every



Saturday at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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]**.

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

sd/-

02/02/2023

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

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TO

- 1 THE JUDGE,
SPECIAL COURT FOR ANTI LAND GRABBING CASES, RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (ANTI LAND GRABBING CELL),
SIVAGANGAI. TAMIL NADU -630 561
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.2128 of 2023

Date :02/02/2023

SA/SSS/SAR.3/14.02.2023/3P/4C