



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA**CRL.O.P(MD)No.3249 of 2023**

WEB COPY

Idhayachandran

... Petitioner/Accused No.4

-VS-

State represented by
The Inspector of Police,
DCB Police Station,
Madurai District.
(Cr.No. 26 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 by the respondent Police with respect to Cr.No.26 of 2022.

For Petitioner : Mr.V.Chandrapandi, Advocate

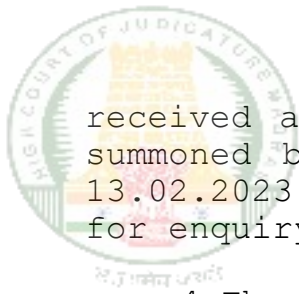
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 120(B), 419, 420, 465, 467, 468, 471 IPC in Crime No.26 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Gnaneshwari is that she is the owner of 7 cents in new Survey No.15/4D1B, Kondabethan Village, Madurai East Taluk, Madurai District and she was in possession. While so, the accused, by fabrication of documents and impersonation had sold the property to one Jeevasugu Sathyanathan, the first accused and other accused have assisted.

3.The learned Counsel for the petitioner would submit that the petitioner/A4 is a practising Advocate and involved in documentation. He would submit that the other accused had approached the petitioner asked him to prepare a document and believing the same, the petitioner has rendered professional service and prepared the document and presented the same for registration. Other than having received the professional charges, the petitioner has not



received any amount. He would also submit that the petitioner is summoned by the police and he has appeared before the police on 13.02.2023 and he is ready to co-operate with the respondent police for enquiry. He would seek anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the property in new Survey No.15/4D1B Kondabethan Village, Madurai East Taluk, Madurai District to an extent of 7 cents belongs to the defacto complainant and the accused by fabrication and impersonation had sold the property to one Jeevasugu Sathyanathan, the first accused. The first accused appeared before the police and gave a statement under Section 164 Cr.P.C stating that he himself is a victim and later he has cancelled the document, however, the other accused had impersonated as Gnaneshwari and sold the property. He would further submit that a sum of Rs.5 lakhs has been transferred to the account of one Ramesh and Rs.6 lakhs to the account of one Muneeshwaran and they have been absconded. Hence, he would pray for dismissal of this application.

5. Heard and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the fact that the petitioner is a practising Advocate and he is stated to have been given professional charges only, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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, Special Court for Land Grabbing Cases, 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:

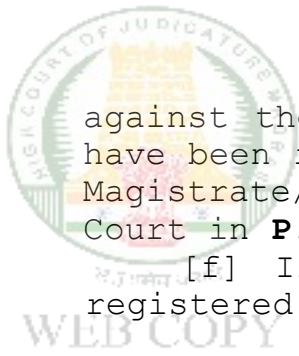
[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and 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/-

28/02/2023

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/03/2023

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

CM
TO

- 1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING CASES,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DCB POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL OP(MD) No.3249 of 2023
Date :28/02/2023

SA/BUC/SAR.3/17.03.2023/3P/5C