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CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2023

PRESENT

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

CRL OP(MD). No.11424 of 2022

Raman, ... Petitioner/Accused Rank Not known

Vs

State Rep.by
The Inspector of Police,
Anti Land Grabbing Cell,
Dindigul.
Crime.No.18 of 2022 ...Respondent /Complainant

(Amended as per order of the court dated
10/08/2022 in Cr1.MP(MD)No.9258 of 2022
in Cr1.OP(MD)No.11424 of 2022 by GIJ)

S.Harihara Ramachandran, ...Petitioner/Intervener
in Cr1 MP(MD)No.7553 OF 2022

For Petitioner : M/s.Shankar Ganesh R G, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Cr1.Side)

For Intervenor : Mr.S.Ramesh, Advocate
in Cr1 MP(MD)No.7553 OF 2022

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

PRAYER :-

For Anticipatory Bail in Crime No.18 of 2022 on the file of the
Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections 120
(b), 420, 447, 465, 468 and 471 of I.P.C., in Crime No.18 of 2022 on
the file of the respondent police, seeks anticipatory bail.



2.The case of the prosecution is that the petitioner and colluded with the other accused, created forged gift deed and tried to grab the property. Hence, the case.

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

4.According to the case of the prosecution, the subject property belonging to the de-facto complainant and by suppressing the said fact, the first accused had executed power of attorney in favour of the second accused, namely, the petitioner herein, as if, he is the owner of the property, whereas, the de-facto complainant purchased the said property through Court auction. However, the petitioner is being the power holder also filed a suit for declaration and injunction in respect of the very same property in O.S.No.183 of 2022 and its pending on the file of the Principal District Court, Dindigul for trial. In the said suit, the de-facto complainant is also one of the defendant and he is facing the trial. Therefore, it is seen that all the allegations are civil in nature and as such, the custodial interrogation of the petitioner is not required in this case.

5.Considering 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 No.I, Dindigul, 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/-
09/03/2023

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/03/2023

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

SJI
TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
DINDIGUL.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
ANTI LAND GRABBING CELL,
DINDIGUL.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.G.SHANKAR GANESH, Advocate (SR-3792[I] dated 09/03/2023)

+1 CC to M/s.S.RAMESH, Advocate (SR-3861[I] dated 10/03/2023)

ORDER
IN
CRL OP(MD) No.11424 of 2022
Date :09/03/2023

PKP/MMS/SAR-4/23.03.2023/ **3P/7C**