



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.06.2023

WEB COPY

PRESENT

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

CRL OP(MD)No.9123 of 2023

Arunpandiyan

... Petitioner/Accused (Rank Not Known)

Vs

State rep.by

The Inspector of Police,

District Crime Branch Police Station,

Theni District.

(Crime No.26 of 2022)

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan, Advocate

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.26 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A12, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 420, 465, 467, 468, 471 & 109 IPC in Crime No.26 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is having ancestral property comprised in S.No.474/4, 474/5, 474/8. In the year 1996, his father and other co-fathers had entered into a registered sale deed with one Philip for a sale consideration of Rs.31,750/-, in which, Rs.25,000/- was paid and the rest of the amount was not paid and hence, automatically the said sale agreement was ceased. Consequently the land was possessed and enjoyed by the defacto complainant and other legal heirs. While being so, the accused persons had colluded and thereby created a forged life certificate for the defacto complainant's father and co-father and thereby, executed sale deed, thereafter, A1 had settled the said property in favour of A2 and thereby committed offence. Hence, the



3. Heard both sides and perused the materials available on record.

4. Even according to the case of the prosecution, A1 impersonated the father of the defacto complainant and fabricated the power of attorney in his favour. Thereafter, executed settlement deed in favour of his wife, in which, the petitioner herein stood as witness. Now, the settlement deed itself is cancelled and some of the accused were arrested and released on bail.

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 learned Judicial Magistrate, Theni, 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 three 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/-

30/06/2023

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/07/2023

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



1 THE JUDICIAL MAGISTRATE, THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SENTHIL MURUGAN.C, Advocate (SR-10076[I] dated
03/07/2023)

ORDER

IN

CRL OP(MD) No.9123 of 2023

Date :30/06/2023

RS//SAR-(10.07.2023) 3P 6C