



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2023

PRESENT

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

CRL.O.P(MD)No.12068 of 2022

Paul Vinoth

...Petitioner/Accused No.2

-vs-

The State represented by
The Inspector of Police,
District Crime Branch, Anti Land Grabbing Cell
Tirunelveli, Tirunelveli District.
(in Cr.No.9 of 2021)

...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.9 of 2021.

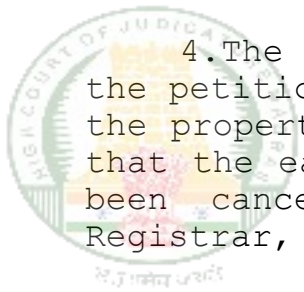
For Petitioner	: Mr.S.Vinayak
For Respondent	: Mr.A.Albert James
	Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 120(b), 465, 468, 471, 420 and 109 of IPC in Crime No.9 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that his cousin, Alagesan, A1, in collusion with other accused by impersonation of documents had grabbed the property belonging to his grandfather in S.No.1730/1A1B North Vallioor Part-I Village. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is arrayed as A2 in this case. One Kannan approached him and he along with the said Kannan had sold certain properties to Alagesan and Alagesan is the person, by impersonation, had grabbed the property. He would further submit that the de-facto complainant had earlier given a complaint to the District Registrar and based on the order passed by the District Registrar, the forged document has been cancelled. He would also submit that the case of the prosecution is borne out by documents and he is ready to cooperate with the investigation to the respondent. He would also submit that subsequent to the cancellation of document, the petitioner has made any claim or right over the property of the de-facto complainant. Hence, he would pray for anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit that the petitioner in collusion with other accused had attempted to acquire the property of the de-facto complainant. However, he would submit that the earlier document, which was executed by impersonation, has been cancelled pursuant to the order passed by the District Registrar, Tirunelveli District.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 (ALGSC), Tirunelveli, 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 four 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/-
01/02/2023

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE (ALGSC), TIRUNELVELI.

2. DO THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, ANTI LAND GRABBING CELL,
TIRUNELVELI, TIRUNELVELI DISTRICT.

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

+1. CC to MS. VINAYAK.S Advocate SR.No.1605

ORDER

IN

CRL OP (MD) No.12068 of 2022

Date : 01/02/2023

MGJ(04.02.2023) 3P 6C