



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15.06.2023

PRESENT

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

CRL OP(MD)No.10355 of 2023

Freddy

... Petitioner/Accused No.3

Vs

State Rep.by
The Sub-Inspector of Police,
District Crime Branch,
Thiruchirappalli.
(Ref.Crime No.7 of 2023)

... Respondent/Complainant

For Petitioner : Mr.D.Shanmugaraja Sethupathi, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For Intervenor : Mr.Jameel Arasu, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.7 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 03.05.2023 for the offence under sections 419, 420, 467, 468, 471 & 120(B) IPC in Crime No.7 of 2023 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the defacto complainant has purchased land in S.No.39/1A to the extend of 54 cents by registered sale deed dated 14.06.1985 vide document No.2036/1985. The defacto complainant has been in possession and enjoyment of the vacant land ever since of the purchase. While so, in the first week of August 2022, when the defacto complainant had visited the vacant site, some third persons had been removing the fencing and erecting new fencing. On enquiry, he came to know that the petitioner herein has purchased the land. Subsequently, the defacto complainant got encumbrance certificate and he came to know that first accused in connivance with other accused, had fabricated the sale deed dated 18.07.2022 as if, it was executed by the defacto complainant. Hence



3. Heard both sides and perused the materials available on record including the First Information Report.

4. It is seen that there are totally five accused in this case, in which, the petitioner is arrayed as A3. As per FIR, he is now arrayed as A1. According to the case of the prosecution, A1 impersonated the defacto complainant with the help of A2 and executed sale deed in favour of the petitioner herein, who is A3. Their modus operandi is that they used to register sale deed in their favour and subsequently, filed suit between themselves. Thereafter, they settled issue and obtained degree in respect of the property, in order to cheat the original owner of the property.

5. Now, the petitioner herein is ready and willing to cancel the sale deed registered in favour of him. Considering the same, this Court is inclined to grant bail to the petitioner subject to the condition that after coming out on bail, the petitioner shall cancel the sale deed in Doc.No.6033 of 2022, within a period of two weeks. If the petitioner fails to cancel the sale deed, bail granted to the petitioner shall stand cancelled automatically and the respondent is directed to secure the petitioner and proceed in accordance with law.

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Tiruchirappalli and on further conditions that:

[b] 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 daily at 10.30 am., for a period of two weeks and thereafter, as and when required.

[d] the petitioner shall not commit any offences of similar nature.

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

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

[g] On breach of any of the aforesaid conditions, the learned Judicial 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 [SCW 5560]. [R

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

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sd/-
15/06/2023

/ TRUE COPY /

15/06/2023

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

gns

TO

1 THE JUDICIAL MAGISTRATE NO.VI, TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPPALLI.

3 THE SUB INSPECTOR OF POLICE, DISTRICT CRIME BTANCH,
THIRUCHIRAPALLI

4 THE SUPERINTENDENT, CENTRAL JAIL, TIRUCHIRAPPALLI.

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

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-8824[I] dated
15/06/2023)

ORDER
IN
CRL OP(MD) No.10355 of 2023
Date :15/06/2023

RS/VR/SAR-(15.06.2023) 3P 7C