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CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 21/06/2023

PRESENT

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

CRL OP(MD). No.11081 of 2023

Vasugi Kanagadas,

... Petitioner/Accused No.3

Vs

The state reb by  
The Inspector of Police,  
Kodaikanal Taluk Police Station,  
Dindigul District.  
(In Crime No.159 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Kevinkaran,  
Advocate.  
For Intervenor : M/s.M.Mohan  
Advocate  
For Respondent : M/S.R.M.Anbunithi  
Additional Public Prosecutor (Crl.Side)

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

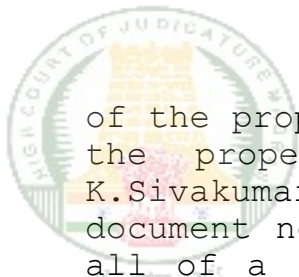
PRAYER :-

For Anticipatory Bail in Crime No. 159 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 120(b), 468, 471, 341, 294(b) and 506(i) of IPC in Crime No. 159 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner purchased a land comprised in old S.No.416/2, T.S.No.19, WardD, Block 27 measuring 6 cents from S.Maria Gabriel on 05.11.1991, thereafter she obtained patta in her name and she was in possession and enjoyment



of the property. Thereafter the petitioner through power attorney executed the property in favour of N.Natarajan and K.Jaganathan and K.Sivakumar under sale deed dated 07.09.2016 registered vide document no.1748/2016 in the office of SRO, Kodaikanal. Thereafter all of a sudden the defacto complainant and her relatives send a legal notice to the petitioner and the same was also replied by the petitioner, however she came to know that she could not file a civil case against the petitioner, the present petition has been filed.

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

4. Though the defacto complainant vehemently contented that after cancellation of patta by the revenue officials all the accused persons conspired together and created sale deed in favour of A4 to A6. It is seen that there are exchange of notices between them. Now the revenue officials have cancelled the patta which was allegedly to have been created by the accused persons. In so far as the petitioner herein is concerned she is arrayed as A3. Even according to the defacto complainant the first accused created sale deed in favour of A2 and A3. Taking into consideration all the above facts and circumstances of the case and also the age of the petitioner, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

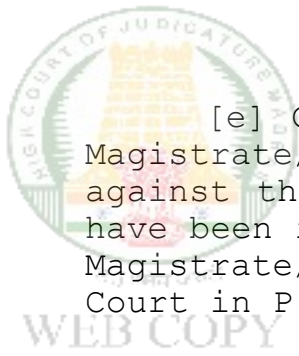
5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Kodaikanal on condition that the petitioner shall execute a bond 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 am., 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 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/-  
21/06/2023

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

AAV

TO

1. The Judicial Magistrate No.II,  
Kodaikanal
2. do through The Chief Judicial Magistrate,  
Dindigul.
3. The Inspector of Police,  
Kodaikanal Taluk Police Station,  
Dindigul District.
4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VEEARAGAVAN, Advocate ( SR-9251[I] dated  
21/06/2023 )

ORDER  
IN  
CRL OP(MD) No.11081 of 2023  
Date :21/06/2023

DL/(27.06.2023)/ 3P/ 6C