



CRL OP(MD)No.12523 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.07.2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD)No.12523 of 2023

M.Balaji

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.294 of 2023)

... Respondent/Complainant

For Petitioner : Mr.J.Jeyakumaran, Advocate

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.294 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioner, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 419, 420, 465, 468, 471 IPC in Crime No.294 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant purchased a property in S.Nos.61/3, 61/4 situated at Thailakulam Village, Inam Natchiyarkovil village, Srivilliputhur Taluk, Virudhungan District. The petitioner herein is a document writer and he registered a will for the complainant and thereafter, the complainant verified the encumbrance certificate. He came to know that one Krishnan executed power of attorney in favor of A1 on 07.09.2021. A3, A4 stood as witnesses in the said power of attorney. A2 impersonated the complainant and in collusion with the petitioner herein, the above said power of attorney was registered. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is only a document writer and he prepared the power of attorney and the same was registered in Document No.5207 of 2021, dated 07.09.2021. Later, he came to know about the illegal activity and cancelled the above said power of attorney through Document No.5876 of 2021 dated 29.09.2021. Thereafter, in respect of the very same property, the complainant had executed a gift deed in favour of his son and daughter. The petitioner is innocent and he is only a document writer.



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4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner is arrayed as A1 in this case and he is only write the forged document.

5.Considering the nature of offence and also considering the fact that already the forged power of attorney deed was cancelled, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.2, Srivilliputhur 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period



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of 15 days from the date on which the order copy made ready, failing which, the
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petition for anticipatory bail stands dismissed.

sd/-
10/07/2023

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/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVILLIPUTHUR.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.JAYAKUMARAN, Advocate (SR-10445[I] dated 10/07/2023)

ORDER
IN
CRL OP(MD) No.12523 of 2023
Date :10/07/2023

PKP/MR/SAR- /29.07.2023/ 4P/ 6C

Madurai Bench of Madras High Court is issuing certified
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