



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.02.2023
PRESENT

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

CRL.O.P (MD) Nos.14775 and 11085 of 2021

WEB COPY

A.SUNDAR

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

in CRL OP(MD) No.14775 of 2021

VINOTH KUMAR

... PETITIONER / ACCUSED No.2
in CRL OP(MD) No.11085 of 2021

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
TRICHY CITY.
(CRIME NO.3 OF 2021)

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

COMMON PRAYER: Criminal Original Petitions are filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.3 of 2021 on the file of the respondent Police.

For Petitioner
in Crl.O.P(MD)No.14775/21 : Mr.T.Lenin Kumar, Advocate

For Petitioner
in Crl.O.P(MD)No.11085/21 : Mr.B.Jameel Arasu, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

C O M M O N O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 120(B), 420, 465, 466, 467, 468 and 471 IPC in Crime No.3 of 2021 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Singaravelu is that one Ramasamy had purchased a vacant site by a registered sale deed in Doc.No.1987/1964 owned by one Murugan Udayar and his brother. The said Ramasamy has changed his name as Rethinasamy by effecting name transfer in gazette on 15.05.1975 and he had sold the property to one Amirtham Ammal by virtue of a registered sale deed in Doc.No.2532 of 1981 and the said Amirtham Ammal sold the property to the defacto complainant's wife by name



Janagrathinam by virtue of a registered sale deed dated 28.12.2018. After purchase, the defacto complainant and his family members were in exclusive possession of the same. While so, one Ramasamy, a resident of North Street Tharanallur Tiruchirappalli, with a view to grab the property had impersonated as the said M.Rathinasamy by taking advantage of the similarity of his name with the erstwhile name of the vendor of the defacto complainant's vendor, along with other accused, by impersonation and by fabrication had sold the property belonging to the defacto complainant to third parties and out of 2700 sq ft, 1434 sq ft was sold to the sixth accused by a registered sale deed dated 24.12.2018 in Doc.No.5416/2018 and the remaining extent of 1,204 sq ft was sold to the seventh accused by a registered sale deed dated 24.01.2019. Hence, the complaint.

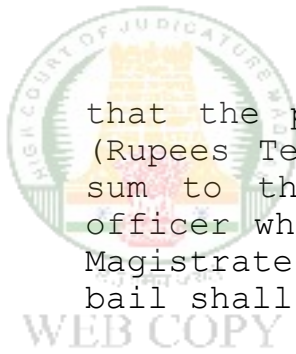
3.Mr.T.Lenin Kumar, learned counsel for the petitioner in Crl.O.P(MD)No.14775 of 2021 would submit that the petitioner is a builder and by fabrication the other accused had purchased the property and the 7th accused during the course of business had approached the petitioner and on trust, the petitioner has signed as a witness in the registered sale deed for an extent of 1204 sq ft in Survey No.105/1. Other than that, the petitioner has nothing to do with the offence. He would further submit that the entire case of the prosecution is borne out by documents and the properties are in possession of the accused 7 and 8 and civil suits are pending between the parties. He prays for grant of anticipatory bail to the petitioner.

3.i). Mr.B.Jameel Arasu, learned counsel for the petitioner in Crl.O.P(MD)No.11085 of 2021 would submit that the petitioner is a power of attorney of one Ramasamy, who has impersonated as Rethinasamy and other than that, the petitioner is not beneficiary to the transaction. He would further submit that the property is in possession of the accused 7 and 9. He would also submit that on earlier occasion, the matter was referred to mediation and the subsequent purchasers were ready to settle the defacto complainant and the defacto complainant is not ready to accept the amount. He would pray for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (crl.side) would submit that the petitioners are the main accused in this case and the accused have impersonated as Rethinasamy and have sold the property and he opposes to grant anticipatory bail.

5.Heard both sides. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Trichy, on condition



that the petitioners shall execute bond for a sum of Rs 10,000/- (Rupees Ten Thousand only) each 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

10/02/2023

/ TRUE COPY /

/02/2023

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

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TO

- 1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. LENIN KUMAR.T Advocate SR.No.2198

+1. CC to M/S. B.JAMEEL ARASU, Advocate SR.No.2177

ORDER IN

CRL.O.P (MD) Nos.14775 and 11085 of 2021

Date :10/02/2023

SA/SSS/SAR.1/22.02.2023/3P/7C