



CRL OP(MD)No.14065 of 2023

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

Date : 10.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.14065 of 2023

Sathasivam

... Petitioner/ Accused no.1

Vs

The State represented by
The Inspector of Police,
District Crime Branch,
Dindigul District.
In Crime No.27 of 2023

... Respondent/ Complainant

Anguthai

... Intervening Petitioner/ Defacto Complainant
in CRL MP(MD)No.11277 of 2023

For Petitioner : Mr.B.Jameel Arasu, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate(Crl.side)

For Intervenor : Mr.M.S.Suresh Kumar, Advocate
for M/S M.Ananthakumar, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2023 on the file of the Respondent Police.



CRL OP(MD)No.14065 of 2023

ORDER: The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 406, 468, 471 IPC in Crime No.27 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's mother namely Muthammal has purchased the property comprised in Survey No.583/4, with an extent of 41 cents out of 80 cents after deducting the extent of 14 cents as acquisition for bypass road. The second accused, namely Vellaiammal also purchased 39 cents in the very same survey numbers of the property on the very same day and thereafter, both were executed exchange deed by exchanging their properties equally i.e., 36 ½ cents each. Thereafter, A2 has executed settlement deed in favour of her grandson, who is A1, for more than available extent of the property existing in the exchange deed i.e., 4 ½ cents. The petitioner and other accused colluded together and created forged settlement deed in respect of 4 ½ cents which belongs to the defacto complainant's mother. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that in FIR itself it is stated that no impersonation took place. Therefore, he seeks anticipatory bail to the petitioner.



CRL OP(MD)No.14065 of 2023

WEB COPY

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation in this case is pending and hence, he objected to grant anticipatory bail to the petitioner.

5.The learned counsel appearing for the intervenor would submit that the defacto complainant's mother purchased 41 cents through document No.2931/1975. One Vellaiyammal purchased 39 cents through document No.2930/1975. Thereafter, the said Vellaiyammal settled more than 39 cents to the petitioner herein and thereby, they grabbed the land of the defacto complainant. Hence, he objected to grant anticipatory bail to the petitioner.

6.On perusal of records, it is noticed that the accused settled the property more than available extent of the property existing in the exchange deed. Under these circumstances, the allegations levelled as against the petitioner is pure civil in nature and the same has to be decided through civil forum. Hence, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7.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 Judicial Magistrate Court No.II, Dindigul on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees



CRL OP(MD)No.14065 of 2023

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 trial Court on summons.

[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].



CRL OP(MD)No.14065 of 2023

[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-
10/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS
TO

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-14965[I] dated 11/10/2023)

+1 CC to M/s.M.S.SURESH KUMAR, Advocate (SR-14973[I] dated 11/10/2023)

ORDER
IN
CRL OP(MD) No.14065 of 2023
Date :10/10/2023

SS/DD/16/10/2023/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023