



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2023

PRESENT

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

CRL.O.P (MD) No.17320 of 2022

WEB COPY

Mallika H.Patel

...Petitioner/Accused No.1

-vs-

1.The Inspector of Police,
District Crime Branch (DCB),
District Police Office,
Trichy District.
(Crime No. 12 of 2019)

2.The Deputy Inspector General of Registration,
Trichy Trichy District. ...Respondents/Complainants

3.K.Natarajan ...Intervenor/Defacto Complainant
In CRL MP (MD) NO.2263 OF 2023

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.12 of 2019.

For Petitioner : Mr.R.Sakthivel, Advocate

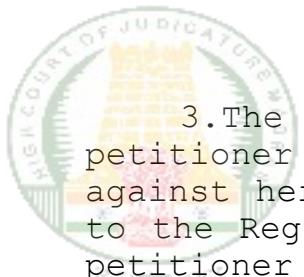
For Respondents : Mr.A.Albert James
1&2 Government Advocate (Crl.side)

For Intervenor : Mrs.AL.Gandhimathi, Advocate
for Mr.C.Mahendaran, Advocate

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 419, 420, 465, 467, 468, 471 IPC in Crime No.12 of 2019 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainants Natarajan and Hemalath is that they are the owners of the property to an vast extent of 25 acres and 34 cents in various survey numbers in Ilanthapatti Village. The accused had impersonated as the defacto complainants and sold the property to various persons.



3.The learned counsel for the petitioner would submit the petitioner is an innocent and a false complaint has been given against her. He would also submit that her uncle/A2 had taken her to the Registration Office to sign on the certain document and the petitioner believing her words had gone and signed in certain documents since she is not aware of Tamil language and she has nothing to do with the alleged offence and her uncle A2 was arrested and subsequently, he was enlarged on bail. He would further submit that the entire case of the prosecution is borne out by documents and he would seek for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner along with her uncle impersonated as the defacto complainant and had executed a power of attorney based on which several transactions have been done. He would oppose for grant of anticipatory bail to the petitioner.

5. The learned Senior Counsel appearing for the intervenor would vehemently oppose stating that the petitioner is responsible for all the transactions. She would strongly object for grant of anticipatory bail to the petitioner.

6.Taking into consideration the facts and circumstances of the case, 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 her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Additional Mahila Court, Trichy, 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[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]**.

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

sd/-
23/02/2023

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/03/2023

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

CM

TO

1.THE JUDGE, ADDITIONAL MAHILA COURT, TRICHY.

2.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (DCB),
DISTRICT POLICE OFFICE,
TRICHY DISTRICT.

3.THE DEPUTY INSPECTOR GENERAL OF REGISTRATION,
TRICHY TRICHY DISTRICT.

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

+1 CC to M/s.R.SATHIVEL, Advocate (SR-2928[I] dated 27/02/2023)

ORDER
IN
CRL OP(MD) No.17320 of 2022
Date :23/02/2023

RK/SAR-1(09/03/2023) 3P/6C