



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2023

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16914 of 2023

1.Prakash

2.Subbulakshmi

... Petitioners/ Accused Nos.2 and 3

Vs.

State through
The Sub-Inspector of Police,
District Crime Branch,
Tiruchirappalli.
In Crime No.7 of 2023

... Respondent/ Complainant

For Petitioner : Mr.D.Shanmugaraja Sethupathi,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A3 & A5, who apprehend arrest at the hands of the respondent



police for the offences punishable under Sections 419, 420, 467, 468, 471 & 120(B) IPC in Crime No.7 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has purchased land in S.No.39/1A to the extend of 54 cents by registered sale deed dated 14.06.1985 vide document No.2036/1985. The defacto complainant is in possession and enjoyment of the vacant land ever since the purchase. While so, in the first week of August 2022, when the defacto complainant visited the vacant site, some third persons had been removing the fencing and erecting new fencing. On enquiry, he came to know that the one Freddy has purchased the land. Subsequently, the defacto complainant got encumbrance certificate and he came to know that first accused in connivance with other accused, had fabricated the sale deed dated 18.07.2022 as if, it was executed by the defacto complainant. The petitioners herein stood as witnesses in the said sale deed. Hence the case.

3. This petition has been filed on the ground that the first accused has been granted bail in Crl.O.P(MD) No.10355 of 2023 on condition to cancel the sale deed registered. The same was complied by the first accused and he executed the release deed in favour of the defacto complainant dated 08.07.2023.



4. The learned counsel for the petitioners would submit that the petitioners are the attesting witnesses in the above said disputed document, which is now cancelled by the first accused in pursuance of the order passed by this Court in CrI.O.P(MD) No.10355 of 2023.

5. The learned Additional Public Prosecutor also verified the statements and also the above said disputed document was executed by the first accused only.

6. Considering the above said development, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.VI, Tiruchirappalli, on condition that the petitioners shall execute a 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 learned Magistrate concerned and the petitioners shall appear before the respondent Police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
20/09/2023

/ TRUE COPY /

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

Indu

TO

1.The learned Judicial Magistrate No.VI, Tiruchirappalli.

2. Do through the Chief Judicial Magistrate,
Tiruchirappalli.

3.The Sub-Inspector of Police,
District Crime Branch,
Tiruchirappalli.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-13968[I] dated
21/09/2023)



WEB COPY



ORDER
IN
CRL OP(MD) No.16914 of 2023
Date :20/09/2023

SSA/DD/05.10.2023/5P/6C

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