



CRL OP(MD)No.17842 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date: 06.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.17842 of 2023

P.A.S.Jannathkani

... Petitioner/ Accused No.1

Vs

State Rep.by

**The Inspector of Police,
District Crime Branch,
Thanjavur District.**

... Respondent/ Complainant

**For Petitioner : Mr.C.Arul Vadivel @ Sekar,Senior Counsel
for M/s.C.Arulvadivel Associates**

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

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

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2018 on the file of the Respondent Police.ORDER : The Court made the following order :-

The petitioner/ A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 465, 467, 468, 471 and 420 IPC in

Crime No.11 of 2018 on the file of the respondent police, seeks anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



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2.The case of the prosecution is that the property in question was purchased by the father of Hanifa Beevi and Jameela Beevi, who are residing in Malaysia and they asked the petitioner to administer the said property. However, the petitioner had executed a sale deed in respect of the property in question in favour of the second accused without the consent of original owners. Hence, the case.

3.The learned Senior Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner has not committed any offence, as alleged by the prosecution and he was falsely implicated in this case. The learned Senior Counsel would further contend that the alleged document dated 24.05.1999 executed by the petitioner in favour of one Ramachandran is a sale agreement and they have not committed any forgery or created any false document. Hence, he seek anticipatory bail to the petitioner.

4.The Government Advocate (Crl.side) would submit that in respect of Cr.No.11 of 2018, further action was dropped by the respondent Police. However, the de-facto complainant filed as protest petition before the Court concerned and thereafter, summon has been issued. He would oppose to grant anticipatory bail to the petitioner.

5.Considering the fact that in the absence of any creation or falsification of document and also the fact that the alleged document is only a sale agreement



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executed by the petitioner in his name not in the name of de-facto complainant or in the name of the de-facto complainant's principal, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. 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 learned Judicial Magistrate-I, Thanjavur District 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 appear before the Trial Court on issuance of 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



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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/-
06/10/2023

/ TRUE COPY /

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

CMR

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
THANJAVUR DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT @ KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THANJAVUR DISTRICT.



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

+1 CC to M/s.C.ARUL VADIVEL ASSOCIATES, Advocate (SR-14746[I] dated 06/10/2023)

ORDER
IN
CRL OP(MD) No.17842 of 2023
Date :06/10/2023

PKP/DD/SAR- /13.10.2023/ 5P/ 6C

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