



CRL OP(MD). No.17869 of 2023

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

Date : 22/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM
CRL OP(MD). No.17869 of 2023

Vairamuthu

... Petitioner/ Accused No.5

Vs

The State rep.by,
The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Crime No.316/2023..

... Respondent/Complainant

For Petitioner : M/s.Jegadeesh Pandian.M,
Advocate.

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.316/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/ A5 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420,465,468,471 and 120(B) of IPC in Crime No.316 of 2023 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the property was sold by one Dhanalakshmi to her husband Senthilkumar by creating forged records as if she is the daughter of the defacto complainant and the defacto complainant died on 13.07.2010, thereafter created death certificate as if it was issued by VAO and also created legal heir certificate and further lodged online complaint stating that as if the original sale deed was misplaced by creating the above records the said Dhanalakshmi has sold the property to her husband and the said document was prepared by the petitioner herein and thereafter the said land was again sold to one Marikani and Muthulakshmi and subsequently those registration were cancelled by the District Registrar. Knowingly full aware of fabrication of records the Sub Registrar has registered the above documents, hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. He would further submit that the petitioner is only a document writer and he is no way connected with the alleged crime. Hence he seeks anticipatory to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent submitted that petitioner herein along with other accused knowing well that it is



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forged document has created forged death certificate and legal heir certificate and sold the property to other persons hence he objected to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner is only a document writer and he is neither a purchaser not a buyer of the property and further those documents were not given by the revenue department officials.

6. Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260 and taking into consideration the origine of crime, it is seen that the offence alleged as against the petitioner is not a case of heinous crime. Further the petitioner is having permanent residents at Virudhunagar District. Hence the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking



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into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner. 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 No.I, Sivakasi, Virudhunagar District on condition that the petitioner shall execute own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 shall affix his photograph and Left Thumb Impression in the bond and the Magistrate may obtain a copy of his Aadhar card or Bank Pass Book to ensure his identity.

[b] the petitioner shall report before the trial Court on receipt of summons

[c] the petitioner shall not tamper with evidence or witness either during



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investigation or trial.

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[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/-
22/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1.THE JUDICIAL MAGISTRATE NO.I, SIVAKASI,VIRUDHUNAGAR DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-16759[I] dated
23/11/2023)

ORDER
IN
CRL OP(MD) No.17869 of 2023
Date :22/11/2023

RK/SKN (29/11/2023) 6P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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