



CRL OP(MD). No.20050 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

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K.Chandrasekar

... Petitioner/ Accused 2

Vs

The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
in Crime No.276/2023.

... Respondent/Complainant

For Petitioner : Mr.K.P.S.PALANIVELRAJAN, Senior Counsel
for M/s.KPS LAW ASSOCIATE

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

For Intervenor : Mrs.AL.GANDHIMATHI, Senior Counsel
for Mr.C.MAHADEVAN, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.276/2023 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner/ A2, who apprehends arrest at the hands of the respondent police
for the offences punishable under Sections 147, 120(B), 419, 420, 468, 471, 447, 427 and



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506(1) IPC in Crime No.276 of 2023 on the file of the respondent police, seeks anticipatory bail.

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2.The case of the prosecution is that a barren land originally belongs to one Shankar and K.S.Chandrasekar and both of them had purchased the above said property from one Lakshmanan Chettiyar in the year 1972. The defacto complainant is power of Attorney of Jeyanthi W/o of Late Sankar. The petitioner and his father in law late Sankar have impersonated and executed a settlement deed in favour of A1. The said Sankar executed settlement deed in favour of A1 on 06.01.2012 by document No.27/2012 and the petitioner/A2 has executed settlement deed in favour of A1 on 10.04.2013 vide document No.647/2013. Hence, the complaint.

3.The learned senior counsel appearing for the petitioner would submit that the petitioner is the innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner has impersonated and executed a sale deed in favour of A1. Hence, he has strongly opposed to grant anticipatory bail to the petitioner.

5. The learned Senior Counsel appearing for the intervenor has also strongly opposed to grant anticipatory bail to the petitioner.



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6. Heard both sides and perused the materials available on the record.

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7. On perusal of the First Information Report, it is noticed that one Sankar has executed settlement deed dated 06.01.2012 vide document No.27/2012 in favour of his daughter Santhi/A1. Likewise, the petitioner has executed settlement deed dated 10.04.2013 vide document No.647/13 in favour of his wife Santhi/A1. In those documents, the names are mentioned as Sankar S/o Chinnappa Gounder and Chandrasekar S/o Krishnasamy. However, in the earlier settlement deed viz., document No.470/72, the name mentioned as Sankar S/o Saminathan and Chandrasekaran, S/o Sankaralinga Iyer. Though the name of the Sankar and the petitioner in the two settlement deeds is same, the father's name is differ. Hence, there is no question of impersonation. Therefore, considering the facts and circumstances of the case and 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 origin of crime, it is seen that the alleged offence against the petitioner is not a case of heinous crime. Further, the petitioner is having permanent resident at Karur District. Hence, the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State



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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 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.

8.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.II, Kodaikanal on condition that the petitioner shall execute a 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 Judge concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a] the petitioner shall affix his photographs and Left Thumb Impression in the surety 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 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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/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SKN
TO
1 THE JUDICIAL MAGISTRATE NO.II,
KODAIKANAL.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.



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

ORDER
IN
CRL OP(MD) No.20050 of 2023
Date :22/11/2023

SA/JGB/SAR. /01.12.2023/6P/5C

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