



CRL OP(MD) No.530 of 2024

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

Tuesday, the Twentieth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.530 of 2024

ABRAHAM DASS

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
CITY CRIME BRANCH,
MADURAI CITY,
CRIME NO.27 OF 2023.

... RESPONDENT/COMPLAINANT

A.KAMALESHWARAN

... PETITIONER/INTERVENER
IN CRL MP(MD).908/2024 IN CRL OP(MD).530/2024

For Petitioner : MR.VIKRAM VEERASAMY, Advocate

For Respondent : MR.P.KOTTAICHAMY, Government Advocate (Crl.Side)

For Intervenor : MR.A.RAJA, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.27 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent Police for
the alleged offence under Sections 120(B), 406, 420, 465, 468 and 471 of IPC in Crime



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No.27 of 2023, seeks anticipatory bail.

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2.The case of the prosecution is that the defacto complainant claims to be a President of a Society. Similarly, the petitioner also claims to be a President of the said Society. The defacto complainant lodged a complaint against the petitioner and others, stating that the petitioner had conspired with one Lilly and Arulraj, registered a mortgage deed for a property belonging to the foundation in lands in T.S.No.4, 5, 28-34 in Arasaradi, Madurai West, vide document No.760/2022 on the file of the Sub-Registrar, Arasaradi, Madurai, dated 04.01.2022 by fraudulently annexing a resolution of the Society, dated 29.12.2021 by showing one of the signatories to the resolution namely Cissy, who actually died on 27.05.2021 itself, misappropriated the amount of Rs.3,25,00,000/-. Hence, the present complaint.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he would further submit that, the petitioner to show his bona fides, is ready and willing to deposit the title deeds of immovable property worth of Rs.60,00,000/- either belonging to himself, friends or relatives to the credit of Crime No.27 of 2023 before the learned Judicial Magistrate No.I, Madurai, without prejudice his rights and contentions before the concerned trial Court. Hence, he seeks for anticipatory bail.



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4.The learned Government Advocate (Crl.Side) would submit that the investigation is pending in this case. Since the petitioner is come forward to deposit the title deed worth about Rs.60,00,000/- to the credit of Crime No.27 of 2023 before the learned Judicial Magistrate No.I, Madurai, without prejudice his rights and contentions before the concerned trial Court, he has no objection to grant anticipatory bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is granted anticipatory bail and consequently, connected Miscellaneous Petition is closed. 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 of receipt of a copy of this order, before the learned Judicial No.I, Madurai, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a



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period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) as per the undertaking given by the petitioner, the petitioner shall deposit the title deeds of immovable property worth of Rs.60,00,000/- either belonging to himself, friends or relatives along with the VAO certificate, encumbrance certificate of the title property to the credit of Crime No.27 of 2023 before the learned Judicial Magistrate No.I, Madurai, at the time of furnishing sureties, without prejudice his rights and contentions before the concerned trial Court.

(d) the petitioner shall not to alienate or encumber any of the said society's property.

(e) the petitioner shall report before the respondent police as and when required;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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



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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]; and;

(i)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/02/2024

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/02/2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE NO.I, MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE INSPECTOR OF POLICE, CITY CRIME BRANCH, MADURAI CITY.

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

+1 CC to M/s.VIKRAM VEERASAMY, Advocate (SR-2195[I] dated 21/02/2024)

ORDER IN
CRL OP(MD) No.530 of 2024
Date :20/02/2024

RS/GS/SAR-(28.02.2024) 5P 6C
Madurai Bench of Madras High Court is issuing
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