



CRL OP(MD) No.1624 of 2024

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

Friday, the Second day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1624 of 2024

ANBALAGAN

... Petitioner / Accused No.7

Vs

THE INSPECTOR OF POLICE
DCB POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.38/2023).

... Respondent / Complainant

For Petitioner : M/s.T.Lenin Kumar, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.38/2023 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/7th accused, who apprehends arrest at the hands of the
respondent police for the alleged offence under Sections 419, 420, 423, 467, 468, 471
and 120(B) IPC in Cr.No.38 of 2023, seek anticipatory bail.



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2. The case of the prosecution is that originally the disputed properties were owned by one Annamalai. He purchased the property in the year 2007. He is the husband of the de-facto complainant. It appears that A2 created forged power of attorney as if the de-facto complainant and her husband executed power of attorney in his favour and subsequently the same was cancelled and thereafter, the very same A2 created another power of attorney as if the de-facto complainant executed power of attorney in his favour and based on which, A2 alienated the property to other persons. The allegations made against the petitioner are that he mortgaged the property and repaid the money and redeemed, thereby created an encumbrance over the property. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The main mastermind persons mortgaged the property and thereby created an encumbrance over the property, for which, these petitioner is not at all responsible. Further, he would submit that A3 availed loan from this petitioner/A7 and subsequently repaid the loan and redeemed the property. Further he would submit that co-accused were granted anticipatory bail by this Court and the disputed document was cancelled. The petitioner undertakes that he will not enter into the disputed property without due process of law. Hence, they pray for grant of



anticipatory bail to the petitioner.

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4.The learned Government Advocate would submit that admittedly, the properties are owned by Annamalai, who is the husband of the de-facto complainant and due to the encumbrance created by the accused persons including this petitioner, they are not able to enjoy the properties and further there is a violation of provisions under the Mines and Minerals Act, since huge deposit of sand were removed from the land in question, for which, the concerned authority sent a communication to the revenue department to assess the damages. Further he would submit that the document in dispute was cancelled already. Hence, he has no objection to grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the disputed document was cancelled already and the co-accused were granted anticipatory bail by this Court and also considering the undertaking given by the petitioner that he will not enter into the disputed property without due process of law, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 Magistrate, Lalgudi, on condition that the petitioner shall execute a bond for



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

(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)the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

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

(f)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



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in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(g)if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-
02/02/2024

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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,
Lalgudi.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
DCB Police Station,
Trichy District.

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

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-1342[I] dated 02/02/2024)

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-1383[I] dated 05/02/2024)



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ORDER

IN

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Date :02/02/2024

ED/ VR /SAR- (07/02/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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