



CRL OP(MD) No.2029 of 2024

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

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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P BALAKRISHNAN

... PETITIONER / ACCUSED No.1

Vs

1 THE INSPECTOR OF POLICE
S.S. COLONY POLICE STATION
MADURAI CITY
(CRIME NO 1356 OF 2023)

... 1st RESPONDENT/COMPLAINANT

2 THE INSPECTOR OF POLICE
CITY CRIME BRANCH (CCB)
MADURAI CITY

... 2nd RESPONDENT / COMPLAINANT

For Petitioner : Mr.ANAND R. Advocate

For Respondent : Mr.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.1356 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



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for the alleged offence under Sections 147, 417, 419, 420, 468, 471 and 506(ii) IPC in

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Crime No.1356 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the owner of the properties and without the knowledge of the defacto complainant, the accused No.2 has created a forged power of attorney pertaining to the properties of the defacto complainant, by creating a fake Death Certificate of the defacto complainant's mother, namely, Jeyam, who is alive, as if she died and has impersonated the defacto complainant and his brother, for which, one Ramkumar and Hariharan stood as witnesses. The accused No.2 had sold out the properties to the accused No.1 and thereafter, several transactions had taken place. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case and he has purchased the properties from A2. However, he would further submit that the petitioner has filed an affidavit of undertaking that he is ready to deposit a sum of Rs.35,07,245/- (Rupees Thirty Five Lakhs Seven Thousand Two Hundred and Forty Five only), to the credit of Crime



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No.1356 of 2023 before the trial Court without prejudice to his rights and contentions and that he will not alienate the properties mentioned in the affidavit of undertaking till the criminal case is over. Therefore, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and the affidavit of undertaking given by the petitioner, this Court is 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 four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, 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:



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(a)if the petitioner failed to surrender before the concerned Magistrate within a period of four weeks 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 make a payment of Rs.35,07,245/- (Rupees Thirty Five Lakhs Seven Thousand Two Hundred and Forty Five only), to the credit of Crime No.1356 of 2023 before the learned Judicial Magistrate No.V, Madurai, without prejudice to his rights and contentions, within a period of four weeks from the date of receipt of a copy of this order;

(d) On such deposit, the learned Judicial Magistrate No.V, Madurai, shall deposit the said amount in a Nationalised Bank, so that, the amount accrues interest and the same can be disbursed depending upon the outcome of the trial;

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

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

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



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(h) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
13/02/2024

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

SSB

TO

- 1 THE JUDICIAL MAGISTRATE NO.V
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
S.S. COLONY POLICE STATION MADURAI CITY



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4 THE INSPECTOR OF POLICE
CITY CRIME BRANCH (CCB) MADURAI CITY

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

ORDER
IN
CRL OP(MD) No.2029 of 2024
Date :13/02/2024

SS/GS/SAR- /21/02/2024/6P/6C

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