



CRL OP(MD) No.2161 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

CRL OP(MD) No.2161 of 2024

1 S.SANTHA SATHISH

2 K.SELVISORUBAN

3 SARASWATHI

... PETITIONERS / ACCUSED 2 TO 4

Vs

THE INSPECTOR OF POLICE
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT,
CRIME NO.32/2024

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.ANAND, Advocate
for M/S.SIVA.L 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.32/2024 ON THE FILE OF
THE RESPONDENT POLICE

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police
<https://www.mhc.tn.gov.in/juds>



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for the alleged offence under Sections 406, 420, 465, 467, 471 and 474 IPC r/w. Section 120B IPC in Crime No.32 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the owner of the properties and he has executed a power of attorney in favour of A1 and thereafter, A1 has executed forged sale deed and sale agreement in favour of the petitioners and the other accused in the year 2016 in respect of the properties belonging to the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that A1 executed sale deed in favour of the petitioners in the year 2016 and after a lapse of 8 years, the present complaint has been filed. Till date, the power of attorney executed in favour of the accused No.1 was not cancelled.

4. The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the date of execution of power of attorney in favour of A1 has not been mentioned, however, on the strength of power of attorney, A1 has executed sale deeds in favour of the petitioners.

5. Considering the facts and circumstances of the case and the fact that it appears to be civil in nature, this Court is inclined to grant anticipatory bail to the petitioners.



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6. Accordingly, the petitioners are granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the (*)**learned Judicial Magistrate No.II, Kodaikanal, Dindigul District**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two common 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

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



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(f) 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;

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

sd/-

13/02/2024

(*) Amended as per order of the court dated
27.02.2024 in Crl OP(MD) No. 2161/2024 by MDIJ
/ TRUE COPY /

/03/2024

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

SSB

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 13/02/2024 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.II
KODAIKANAL, DINDIGUL DISTRICT.

2 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

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

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

+1 CC to M/s.L.SIVA, Advocate (SR-1788[I] dated 13/02/2024)

ORDER
IN
CRL OP(MD) No.2161 of 2024
Date :13/02/2024

SA/JGB/SAR. /16.02.2024/5P/6C

DSS
PKP/VR/SAR /04.03.2024/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified
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