



CRL OP(MD) No.2818 of 2024

WEB COPY

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

Thursday, the Twenty First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2818 of 2024

KARTHIKEYAN

... PETITIONER / ACCUSED/RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TRICHY DISTRICT.
CR.NO.38/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S. JAMEEL ARAUS.B Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (CrI. 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, who apprehends arrest at the hands of the respondent police



CRL OP(MD) No.2818 of 2024

for the alleged offence under Sections 419, 420, 423, 467, 468, 471 and 120(B) IPC in

WEB COPY

Cr.No.38 of 2023, seeks anticipatory bail.

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 A14 is that he mortgaged the property and repaid the money and redeemed, thereby created an encumbrance over the property. The further allegation against A14 and others is that they facilitated the purchasers to purchase the property from A1 and others. 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, this petitioner is not at all responsible



CRL OP(MD) No.2818 of 2024

and based on the confession of the co-accused, A14 was implicated. He further submitted that the disputed power of attorney was already cancelled by the accused persons.

4. The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the disputed power of attorney executed in favour of A1 was already cancelled by the accused persons.

5. Considering the facts and circumstances of the case and also the fact that the disputed power of attorney was already cancelled by the accused persons, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and she is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalkudi, Trichy District, 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 likesum 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:



CRL OP(MD) No.2818 of 2024

WEB COPY

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



CRL OP(MD) No.2818 of 2024

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

sd/-
21/03/2024

/ TRUE COPY /

/04/2024

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

TTA
TO

- 1 THE JUDICIAL MAGISTRATE,
LALGUDI, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.JAMEELARASU, Advocate (SR-3598[I] dated 22/03/2024)

ORDER
IN

CRL OP(MD) No.2818 of 2024
Date :21/03/2024

SS/VR/SAR- /05/04/2024/5P/6C

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