

In the Court of the Principal District Judge, Madurai.
Present : Tmt.N.Nagalakshmi, M.A., B.L.,
Principal Sessions Judge (Incharge), Madurai.
(Authorized U/s 10(3) of Cr.P.C)
Thursday, the 1st day of October, 2020.

CrI.M.P.No.3887/2020

Ponnumuthu, S/o Kathiresan

... Petitioner/Accused,

/vs/

State through the Inspector of Police,
District Crime Branch P.S.
Cr.No.24/2020

... Respondent/Complainant

This petition is coming up today before me for hearing at request through e.mail/ e.petition and after hearing the arguments of Thiru.M.Vijayan, Advocate for the petitioner and of Thiru.M.Tamil Chelvan, the Public Prosecutor for the State over conference call, this court passed the following..

Order

1. Bail application u/s 439 of Cr.P.C.

2. The offences alleged are U/s. 465, 467, 468, 471, 419, 420 r/w 120(b) of IPC.

3. Heard.

4. Considered the argument of the both sides. The learned counsel for the petitioner would submit that the respondent police has registered a case against the accused in Cr.No.24/2020 U/Sec. 465, 467, 468, 471, 419, 420 r/w 120(b) of IPC. There is no specific overt act against the petitioner. The petitioner is the attested witness in the documents executed by the other accused. Co-accused (A9) has been granted anticipatory bail by the Hon'ble High Court on 22.09.2020. The petitioner is in custody for the past 52 days. Hence prayed to enlarge the petitioner on bail with any stringent condition.

5. The case of the prosecution is that there totally 11 accused in this case, the petitioner is A4. The defacto complainant's father owned lands around 5 Acres 37 cents near Madurai Airport. While so, the defacto complainants' father died on 29.08.2006. The main accused A1 is the real estate broker. He created so many documents, particularly he created two power of attorney deeds in respect of the above said lands and registered the same in the office of Sub Registrar, Tiruppuvanam on 20.01.2020 and 30.01.2020. The said deeds were forged to the effect that the defacto complainant's father, who actually was not alive, had executed the sale deeds in favour of some other accused. The petitioner herein affixed his signature as attester in the said documents. Hence, he is arrayed as accused in this case. Out of 11 accused, the petitioner herein alone is the arrested accused and others except A1 applied for anticipatory bail which are pending. The anticipatory bail application

of A9 was allowed by the Hon'ble High Court as per order dated 22.09.2020.

6. In reply to the above, the learned counsel for the petitioner would further submit that the above said two documents of power of attorney were subsequently cancelled by the Sub-Registrar and consequently Release Deed was executed between the family members in respect of the property in question.

7. Considering the rival submissions on either side and the facts and circumstances, it is seen that the document said to have been forged, in which the petitioner herein had signed as witness was subsequently set aside by the Sub-Registrar, Sivagangai. Now the property comes back to the hands of the defacto complainant. Totally there are 11 accused, among them, the petitioner alone was arrested and he is in judicial custody for the past 52 days. A9 the Sub-Registrar was enlarged on anticipatory bail by the Hon'ble High Court as per order in CrI.O.P.9270 of 2020 dated 22.09.2020. Hence, considering the period of incarceration and the above said facts and circumstances, this court is inclined to allow the bail application on condition.

8. In the result, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- along with two sureties for a like sum each to the satisfaction of Judicial Magistrate (Special Court for land grabbing cases), Madurai subject to condition that after release the petitioner shall appear and sign before the Inspector of police, respondent police station daily at 10.00a.m. until further orders. The petitioner shall cooperate with the investigation and he shall not threaten the witnesses. He shall not induce witnesses and he shall not cause obstacles to the pending investigation. If there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail even though bail granted by the Sessions Court as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560**. Accordingly this petition is allowed.

Pronounced by me in camp court on the 1st day of October, 2020.

Sd/- N.Nagalakshmi,
Principal District Judge (I/C),
Madurai.

Copy to

1. The Judicial Magistrate (Special Court for land grabbing cases), Madurai
2. The Inspector of Police, District Crime Branch, Madurai.
3. The Superintendent, Central Prison, Madurai.
4. The Petitioner through his counsel.

