



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

Thursday, the Twelfth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1434 of 2015

1 D.SURESH KUMAR

2 S.SELVI

... PETITIONER(S) / ACCUSED 4 & 5

Vs

THE STATE REP. BY THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
(ANTI LAND GRABBING CELL),
VIRUDHUNAGAR, CR.NO.25/2014

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.KRISHNASAMY Advocate

For Respondent : Mr.A.P.Balasubramani Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

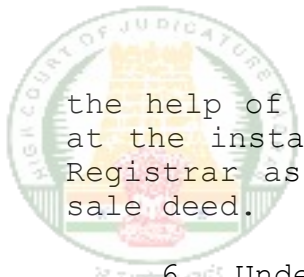
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 467, 468, 471 and 420 IPC in Crime No.25 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. The case of the prosecution is that the property in question belonged to one Pappa and the 1st petitioner is an Advocate and the 2nd petitioner is his wife. It is alleged that these petitioners along with one Mariammal, Advocate Mohan and Thangamariappan have impersonated Pappa and have registered the Document bearing No.2517 of 2014, transferring the property of Pappa in favour of the accused Thangamariappan on 08.04.2014.

4. Learned counsel for the petitioners submitted that co-accused in this case have been released on bail and that the forged document was also cancelled subsequently vide Doc.No.7250 of 2014.

5. The respondent has filed its status report, strongly objecting to the grant of anticipatory bail to these petitioners. It is stated in the status report that Mariammal was arrested by Police on 01.10.2014 and her confession statement has been recorded. In the confession statement of Mariammal, she has clearly stated that she is working as Coolie in a Fire Works Factory and is closely related to Suresh Kumar / 1st petitioner herein. She has further stated that taking advantage of her closeness and her poverty, Suresh Kumar had engineered the transfer of Papa's land with



the help of the co-accused in this case. She has also clearly stated that at the instance of Suresh Kumar, she was asked to appear before the Sub-Registrar as Papa, the original owner of the property, for executing the sale deed.

6. Under such circumstances, in view of the serious nature of allegation against the 1st petitioner, this Court is not inclined to grant anticipatory bail to the 1st petitioner. As regards the 2nd petitioner, she is the wife of 1st petitioner and being a lady, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone. Accordingly, the 2nd petitioner 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 No.II, Virudhunagar, 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:

[a] the 2nd petitioner shall report before the respondent police as and when required for interrogation.

[b] the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the 2nd petitioner shall not abscond either during investigation or trial.

[d] 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]**.

7. This petition in respect of the 1st petitioner is dismissed.

sd/-
12/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.II, VIRUDHUNAGAR.
 - 2 Do Through THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
 - 4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, (ANTI LAND GRABBING CELL), VIRUDHUNAGAR.
- +1. CC to M/S.P.KRISHNASAMY Advocate SR.No.6481.
TS/16.02.2015/2P-6C

ORDER

IN

CRL OP(MD) No.1434 of 2015

Date :12/02/2015