



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

Thursday, the Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.16465 of 2017

SOFIA

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT AT NAGERCOIL,
CR NO. 23/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.C.K.M.APPAJI Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

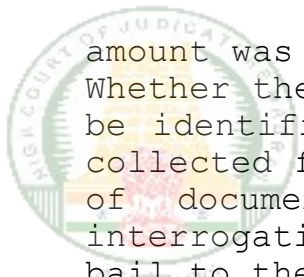
The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(B), 420, 423, 465, 467 and 468 in Crime No.23/2016, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner/A1, colluding with A2, illegally sold the property allotted for the welfare of her son by name Labin Mark and based on the said sale consideration she purchased a property in the name of A2.

3.The learned counsel appearing for the petitioner submitted she is an innocent person and she has not committed any offence. Hence, she prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner already filed anticipatory bail petition in Crl.O.P.(MD) No.1327 of 2017 and the same was dismissed. According to him investigation is still pending.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the first petitioner herein sold a property of his son, who is the minor, without getting any permission from the competent authorities as well as against the welfare of the minor. On going through the submissions made by the petitioner, as of now the sale



amount was deposited in the name of child on 09.02.2017 in the Bank. Whether the property sold out with bonafide intention or not has to be identified only in the trial. As of now, the evidences to be collected for completing investigation are all available in the form of documents and nothing has to be recovered by way of interrogation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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6. Accordingly, she is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Special Court for Anti land Grabbing Cases, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders;
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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].

sd/-
08/02/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,

<https://hcservices.ecourts.gov.in/hcservices/> SPECIAL COURT FOR ANTI LAND GRABBING CASES, TIRUNELVELI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KANYAKUMARI DISTRICT AT NAGERCOIL.

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

+1. CC to M/S.C.K.M.APPAJI Advocate SR.No.2167

ORDER

IN

CRL OP (MD) No.16465 of 2017

Date :08/02/2018

MKV-CM-SAR 2/14.2.2018/3P-6C