



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.17319 of 2017

V.ALAGIRISAMY

... PETITIONER/SOLE ACCUSED

Vs

STATE REP.BY ITS,
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
PUDUKKOTTAI,

(*) CRIME NO.37/2017

... RESPONDENT/COMPLAINANT

**(*) Amended as per order of this
Hon'ble Court made in Cr1.MP(MD)
510/2018 in Cr1.OP(MD)17319/17
dated 24.01.2018 by RPAJ.**

For Petitioner : M/S.A.V.RAJASEKARAN Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Cr1.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.3, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 120(b), 467, 468 and 471 I.P.C., in Crime No.37 of 2017 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that by utilising the absence of the de-facto complainant's father, first accused had executed a settlement deed in favour of the second accused and thereafter, the second accused sold out the same to the petitioner/A3. Hence, the present complaint.

3.It is submitted by the learned counsel for the petitioner that the petitioner is innocent person and he has not committed any offence and he has been falsely implicated in this case and prays for anticipatory bail in favour of the petitioner.



4. It is submitted by the learned Government Advocate (Criminal side) that the investigation is going on.

5. The submissions made by the learned counsel on either side are considered. It is alleged that during the time of occurrence by utilising the absence of the de-facto complainant's father, A1 executed a settlement deed in favour of A2. Thereafter, A2 sold the said property to the petitioner/A3. So, whether the petitioner has knowledge about the execution of settlement deed or not can be decided only at the time of trial. Therefore, considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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, Alangudi, 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. for a period of three weeks and thereafter, as and when required for interrogation.
- (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/-
24/01/2018

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE,
ALANGUDI, PUDUKKOTTAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT

3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
PUDUKKOTTAI.

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

+1. CC to M/S.A.V.RAJASEKARAN Advocate SR.No.1269

ORDER
IN
CRL OP(MD) No.17319 of 2017
Date :24/01/2018

PK/RR/SAR-1/31.01.2018 : 3P/6C