



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21841 of 2018

1 THANGA MARI

2 VELUSAMY

... PETITIONERS / ACCUSED No. 2 & 3

Vs

THE STATE REP. BY,
INSPECTOR OF POLICE
DCB (A.L.G.) POLICE STATION, TIRUNELVELI,
TIRUNELVELI DISTRICT.
CRIME NO. 29 OF 2018

... RESPONDENT / COMPLAINANT DE FACTO

For Petitioners : MR.F.X.EUGENE Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 467, 468, 471 and 506(i) IPC in Crime No.29 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's mother purchased the property in S.No.304/52 an extent of 28 cents and S.No.304/54 and extent of 1 acre 16 cents from the first accused. Thereafter, the first accused sold the same property to the second accused in the year 2003 and in turn the second accused settled the said property in the year 2016. All the accused jointly forged and fabricated the false documents for cheating the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they have nothing to do with the alleged offence.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl.side) would submit that the investigation is pending.



5. Taking into consideration the facts of the case and the submissions by learned counsel on either side and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judicial Magistrate Court (Anti Land Grabbing), Tirunelveli on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/12/2018

/ TRUE COPY /

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

TO

1 THE SPECIAL JUDICIAL MAGISTRATE,
ANTI LAND GRABBING), TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE

TIRUNELVELI



3

3 THE INSPECTOR OF POLICE
DCB (A.L.G.) POLICE STATION, TIRUNELVELI,
TIRUNELVELI DISTRICT.

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

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+1. CC to MR.F.X.EUGENE Advocate SR.No. 23010

ORDER
IN
CRL OP(MD) No.21841 of 2018
Date :11/12/2018

MSI/VR-MMS/SAR-II/19.12.2018-3P/6C