



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

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.22872 of 2018

1 RASUTHEVAR @ PERIYARASU
2 SURESH
3 MURUGESAN
4 SANGILI

... PETITIONERS / ACCUSED NO.1 TO 4

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
DCB., THENI DISTRICT.
(CRIME.NO.57 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.BALAKARTHICK, 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 petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420, 384, 467, 468, 471 read with 120(b) of IPC registered in Crime No.57 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the first petitioner had approached the Tahsildar under the Tenancy proceedings to declare him as the cultivating tenant. This complaint has been lodged as if the petitioners had produced a forged document before the tenancy authorities.

3.The learned Government Advocate (Crl.side) submitted that admittedly, the document has yet to be verified whether it is a forged one or not. The tenancy proceedings have not been culminated.



4. Under this stage, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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, Special Court for Land Grabbing Cases, Theni 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioners fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police as and when required for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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]**.

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/12/2018

/ TRUE COPY /

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



TO

1 THE SPECIAL JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING CASES,
THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
DCB., THENI DISTRICT.

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

+1. CC to M/S.S.BALAKARTHIK Advocate SR.No.24160

ORDER

IN

CRL OP (MD) No.22872 of 2018

Date : 27/12/2018

AMS/PN/S-3/02.01.2019/3P/6C