



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

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.1212, 1457 AND 1491 of 2019

MARIAPPAN	... PETITIONER / ACCUSED RANK NOT KNOWN IN CRL OP(MD) Nos.1212 of 2019
NAVASKHAN	... PETITIONER / ACCUSED RANK NOT KNOWN IN CRL OP(MD) Nos.1457 of 2019
DURAIPANDI	... PETITIONER / ACCUSED RANK NOT KNOWN IN CRL OP(MD) Nos.1491 of 2019

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH/
ANTI LAND GRABBING SPECIAL CELL,
SIVAGANGAI.
(CRIME NO.16 OF 2014)

... RESPONDENT / COMPLAINANT
IN ALL THE PETIITONS

For Petitioner : MR.M.MURUGESAN, Advocate
for MR.R.SELVARAJ Advocate
IN ALL THE PETIITONS

For Respondent : MR.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN ALL THE PETIITONS

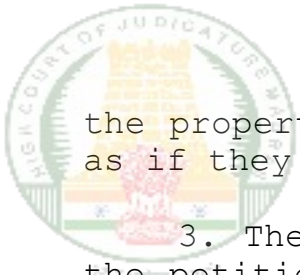
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 419, 466, 467, 468, 420, 109 r/w. 34 IPC in Crime No.16 of 2014, seeks anticipatory bail.

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

2. The case of the prosecution is that the accused persons sold



the property of the defacto complainant by impersonating themselves as if they are owners and thereby, committed cheating.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent police on instructions would submit that the investigation has already been completed and the charge sheet has been filed before the learned Judicial Magistrate, Ramanathapuram and the same is yet to be taken on file.

5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioners.

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 Judicial Magistrate No.II, Sivaganai on condition that each of the petitioners 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 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 trial Court once in a week i.e on every Monday at 10.30 a.m., until further orders.

[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 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]**.

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

sd/-
31/01/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO II
SIVAGANGAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ANTI LAND GRABBING SPECIAL CELL,
SIVAGANGAI.

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

+3. CC to MR.R.SELVARAJ Advocate SR.Nos.2335 to 2337

ORDER

IN

CRL OP (MD) Nos.1212, 1457 AND
1491 of 2019

Date :31/01/2019

MSI/PN/SAR-III/08.02.2019-3P/8C