



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1608 of 2019

1 SUBBU
2 MUTHU
3 SEVUGAN
4 PERIYASAMY

... PETITIONERS / ACCUSED 7 TO 10

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
SIVAGANGAI DISTRICT.
CRIME NO.16 OF 2014

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.M.SANJAY, 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 apprehend arrest at the hands of the respondent police for the alleged offences under Sections 419, 466, 467, 468, 420, 109 and 34 IPC in Cr.No.16 of 2014 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that believing the words of the petitioners / accused persons, the defacto complainant purchased the land in S.Nos.206/26 to 207/29, 210/10, 210/5, 210/3, 210/12, 210/9, 210/6, 210/11 and other four items of property at Managiri Village, Karaikudi Taluk. After that he came to know that the petitioners with an intention to cheat him, created the forged documents and registered the same through impersonation. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that due to previous enmity, this false case has been foisted against the petitioners and the petitioners did not commit any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the investigation is completed and a charge sheet has been filed by the respondent police and the same has not been taken on file.



5. Considering the facts and circumstances of the case, 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.I, Sivagangai, on condition that 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate / Judge concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for the purpose of 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]**; and;

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

sd/-

05/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, SIVAGANGAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.S.M.SANJAY Advocate SR.No.2412

ORDER IN

CRL OP(MD) No.1608 of 2019

Date : 05/02/2019