

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

Monday, the Twenty Ninth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2253 of 2019

ASHOK KUMAR

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
LAND GRABBING SPECIAL CELL,
THENI DISTRICT.
(CRIME.NO.18 OF 2015)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.K.S.DURAIPANDIAN Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

For Intervenor : Mr.D.MALAICHAMY, Advocate

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 419, 420, 447, 468, 471 and 506(ii) of IPC in Cr.No.18 of 2015, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that based on the power of attorney A1 executed sale deed in favour of the petitioner, thereby the defacto complainant, landlord title owner of the property filed a complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. He would also submit that the petitioner had cancelled the sale deed executed by A4 and there is no serious allegations against the petitioner.

4. The learned counsel for the intervenor would submit that the petitioner had cancelled the sale deed, whereas the power holder did not cancel the power of attorney.

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

5.The learned Government Advocate(Crl.side) appearing for the

respondent police would submit that investigation in this case is over and charge sheet is filed before the concerned court.

6.Considering the facts and circumstances of the case and also considering the fact that sale deed has been cancelled and also the fact , this Court is inclined to grant anticipatory bail to the petitioner. However, the benefit of this order will not applicable to the other accused persons, 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 Special Court for Land grabbing cases, Theni on condition that the petitioner 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 concerned and on further condition that:

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

(b)the petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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]**; and;

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

sd/-
29/04/2019

/ TRUE COPY /

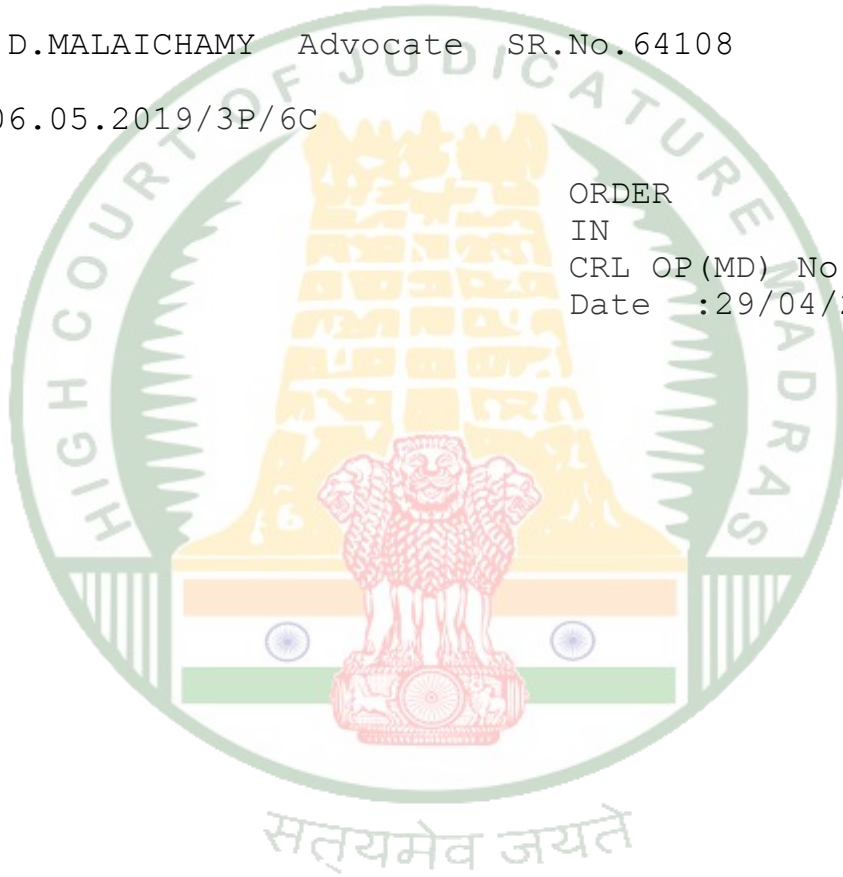
TO

- 1 THE SPECIAL FOR LAND GRABBING CASES,
THENI.
- 2 THE INSPECTOR OF POLICE
LAND GRABBING SPECIAL CELL, THENI DISTRICT.
- 3 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.K.S.DURAIPANDIAN Advocate SR.No.7758

+1. CC to Mr.D.MALAICHAMY Advocate SR.No.64108

PS/PN/SAR-4/06.05.2019/3P/6C



ORDER
IN
CRL OP(MD) No.2253 of 2019
Date :29/04/2019

WEB COPY