



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

Thursday, the Thirtieth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) Nos.7429 and 7430 of 2019

1 PETCHIAMMAL
2 MURUTHAIAH @ MARUTHAIAH
3 GURUSAMY
4 MURUGAN
5 SUDALAIMADAN @ SONNAMADAN
6 M.MUTHUPANDI
7 VELLADURAI
8 SUDALAI S/O.CHINNAMADAN
9 GANESAMOORTHY
10 THANGAMANI
11 NANGAIYARMALA @ NANGAIYAMALA
12 VELATCHI @ VEILATCHI
13 PALANIKUMAR
14 MUTHUKALANCHIYAM
15 PORSEELVI @ PORCHELVI

... PETITIONERS / ACCUSED
No.2 to 16
IN CRL OP(MD)No.7429 of 2019

1 MADATHY
2 MOOKKAN
3 CHELLADURAI
4 BALAMURUGAN
5 PERIYAMADAN
6 MADASAMY
7 SUDALAI S/O.VELLAISAMY
8 SEENISAMY
9 SAMARASAM
10 CHELLAIAH
11 MUTHUMARI @ MUTHUPANDI
12 MURUGAIAH
13 KASIPANDIAN
14 VELLADURAI
15 ROBERT

... PETITIONERS / ACCUSED
No.17 to 31
IN CRL OP(MD)No.7430 of 2019

Vs



THE STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
Crime No.14 of 2019

... RESPONDENT / COMPLAINANT
IN BOTH PETITIONS

For Petitioners : Mr.S.DURAI Advocate
IN BOTH PETITIONS

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.2 to 31 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 420, 423, 467, 468, 471 and 34 IPC, in Crime No.14 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the first accused in this case created forged power of attorney and sold the various properties to the other accused persons by conspiring together. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that as of now, investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. As per the averments made in the First Information Report, the first accused, namely, Ravi Sharma alone committed the entire offence. The petitioners herein have purchased the properties by believing that the property purchased by them are belong to the defacto complainant's company. Hence, for completing investigation, custodial interrogation of the petitioners may not be necessary. Accordingly, on considering the above facts and circumstances of the case and on considering the role played by the petitioners in the alleged occurrence, I am of the opinion that it is a fit case for granting anticipatory bail to the petitioners with some stringent conditions.



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, Anti Land Grabbing Special Cell, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 conditions that:

(i) the petitioners as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(ii) the petitioners shall appear before the respondent Police on every Monday at 10.30 a.m., until further orders;

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

(iv) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-
30/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
ANTI LAND GRABBING SPECIAL CELL,
TIRUNELVELI.

<https://hcservices.ecourts.gov.in/hcservices/>
2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.

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

+2. CC to Mr.S.DURAI Advocate SR.Nos.9021,9022

ORDER

IN

CRL OP (MD) Nos.7429 and 7430
of 2019

Date :30/05/2019

TK/JC/SAR-4/03.06.2019/4P/7C