



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 11/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7762 of 2019

1. S.P.Selvaraj
2. Ramadevi
3. Chitra
4. Hemamalini

... Petitioners/Accused No.1 to 4

Vs

State rep.by,
The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.
Crime No.41 of 2019.

... Respondent/Complainant

For Petitioner : M/s.P.Aju Tagore,
Advocate.

For Respondent : V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

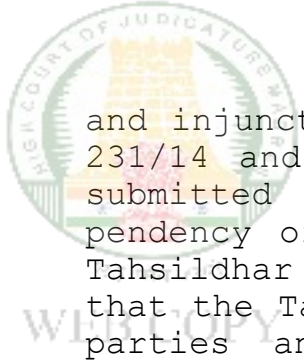
For anticipatory bail in cr.no.41 of 2019 on the file of the respondent police.

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 406, 471, 420 and 120(B) of IPC , seek anticipatory bail.

2. Heard both sides.

3.The learned counsel for the petitioners has submitted that already petitioners 2 to 4 have filed a suit in O.S.No.373 of 2017 on the file of the learned Sub Judge, Sivagangai against the defacto complainant and her family members for the relief of declaration



and injunction in respect of the property situated in survey number 231/14 and 231/22 and the said suit is still pending. He further submitted that as per the First Information Report during the pendency of the said suit the first petitioner has approached the Tahsildhar and obtained patta fraudulently. He further submitted that the Tahsildhar has passed order after making enquiry with both parties and therefore the petitioners have not committed any offence. He would further submit that the petitioners 2 and 3 are teachers and the fourth petitioner is working as Head Clerk in Vigilance and Anticorruption Department, Coimbatore and hence he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor has submitted that during pendency of the suit, the first petitioner fraudulently obtained patta from the Tahsildhar in respect of the property under dispute. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Taking into consideration of the fact that already a civil suit is pending between the parties and if any order is passed by the revenue authorities with regard to the transfer of patta during the pendency of the civil suit that will have an effect only subject to the result of the civil suit, this Court is 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, Thirupathur 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:

(a) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the Respondent Police as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.

[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].

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

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

TO

- 1.THE JUDICIAL MAGISTRATE, THIRUPATHUR
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT
- 3.THE INSPECTOR OF POLICE
KANDAVARAYANPATTI POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.P.AJU TAGORE Advocate SR.No.68188

ORDER
IN
CRL OP(MD) No.7762 of 2019
Date :11/06/2019

AAV
PK/JC/SAR-2/17.06.2019 : 3P/6C