



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

Date : 07/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6219 of 2020

1. Grace Thenmozhi
2. Rini Joyce
3. Pandeeshwari ... Petitioners/Accused No. 3 to 5

Vs

State Rep. by
The Inspector of Police,
District Crime Branch,
Madurai City.
Crime.No. 21 of 2020). ... Respondent/Complainant

For Petitioner : M/s.S.Poornachandran,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime.No. 21 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 465, 467, 468, 471, 420 and 120 (B) of IPC., in Crime No.21 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant wife purchased 16 plots from the petitioners who stood as Power Agents for the above said lands by registered sale deed in the year 2010. The defacto complainant's relatives also purchased some of the plots. Thereafter, the defacto complainant came to know that the plots they have purchased was sold already to someone. Hence, the case.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners would submit that the petitioners 1 & 2 are the wife and daughter of A1 and the 3rd petitioner is the wife of A2. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed to anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl.Side) appearing for the State would submit that the defacto complainant wife purchased 16 plots from the husband of the petitioners 1 & 3/A1 & A2 and who stood as Power Agents for the above said lands by registered sale deed in the year 2010. The defacto complainant's relatives also purchased some of the plots. Thereafter, the defacto complainant came to know that the plots they have purchased was already sold to someone. Hence, he opposed to grant anticipatory bail to the petitioners.

6. Considering the above facts and circumstances and considering the fact that there is no specific overact as against the wife & daughter/petitioners 1 & 2 of A1 and the wife/3rd petitioner of A2, hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned The Judicial Magistrate, Special Court, Land Grabbing Cases, Madurai., 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) the petitioners 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 petitioners shall report before the respondent police as on when required for 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;

<https://hccservicescourts.gov.in/hccservices/>



(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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/10/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT,
LAND GRABBING CASES, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6219 of 2020
Date : 07/10/2020

dss
JM/PN/SAR II/13.10.2020/3P/5C