



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6712 of 2020

1. Vadivelkumar
2. Muthuraj Banugoban ... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Thoothukudi.
Crime No.61 of 2014. ... Respondent/Complainant

For Petitioners: Mr.S.Vikram, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

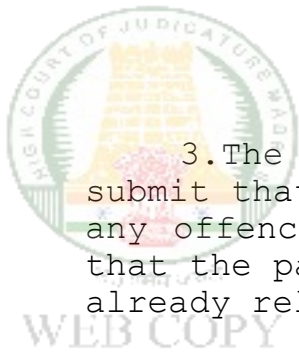
PRAYER :-

To enlarge the petitioner on bail in the event of their arrest in connection with a case in Cr.No. 61 of 2014 on the file of the respondent police.

ORDER : The Court made the following order :-

Totally there are four accused in this case. The petitioners are arrayed as accused Nos.1 and 2 in Crime No.61 of 2014, on the file of the respondent police for the offences punishable under Sections 120(b), 465, 466, 468, 471 and 420 of I.P.C.

2.The first petitioner was working as Revenue Inspector and the second petitioner was working as a Village Administrative Officer. Both are said to have created a false patta in favour of A-3 and thereafter, A-3 sold the property in favour of A-4. Hence, the complaint. The occurrence is said to have taken place on 30.06.2014 and the First Information Report was registered on 08.12.2014.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the patta has been issued by the Tahsildar and A-3 and A-4 were already released on bail.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that these petitioners have only created false patta in favour of A3. Thereafter, A-3 sold the property to A-4. He would further submit that A-4 is absconding and investigation is yet to be completed.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence is said to have taken place in the year 2014 and A-3 and A4 were already released on bail and the investigation could not be completed and the final report has not been filed till date, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Special Court for Land Grabbing Special Cell, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 and 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;

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

sd/-
27/07/2020

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/ /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 JUDGE,
SPECIAL COURT FOR LAND GRABBING SPECIAL CELL,
THOOTHUKUDI.
2. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL, THOOTHUKUDI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6712 of 2020
Date :27/07/2020

MS/PN/SAR-3/28.07.2020/3P.4C