



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2020

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PRESENT

The Hon'ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.6946 of 2020

1. Pushpavathi
2. Narasimman

... Petitioners/Accused No.1&2

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
Cr No. 27/2019.

... Respondent/Complainant

For Petitioners : M/s.G.Naveen Kumar,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 27 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 120(B), 420,465,468,471 of IPC seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioners herein has sold a piece of land to the defacto complainant as if it is approved plot whereas it is found to be the land donated to the local body and has reference as OSR (Open Space Reserved).



4. The learned counsel for the petitioners would submit that the said piece of land was purchased by them in the year 2010 from one Selva vinayagam for a valuable consideration in which the description of property was mentioned as plot No 8, S.No.201/3, Sangaperi Vilalge, Thoothukudi District. The vendor of the petitioner had purchased the property from one Peter Jebaraj and Sudhakar on 04.09.2005 through a registered sale deed. When the petitioner purchased the land in the year 2010, encumbrance certificate for the said property did not reflect it as OSR land. The bonafide purchaser of the land honestly sold the property to the defacto complainant in the year 2012 to met out the medical expenses. The defacto complainant herein has lodged complaint in the year 2019 after seven years of alienation alleging cheating and fabrication of documents . Being a bonafide purchaser of the land and bonafide seller, the petitioner herein state that they are unnecessarily harassed by the defacto complainant.

5. On persuing the petition and the First Information Report we find there is some mis-discrepancy of the property and its identification. Whether the land sold is a OSR land or not is a subject matter for investigation. The petitioners are not the promoters of land but subsequent purchasers of land from the third parties. Hence this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Judicial Magistrate, Land Grabbing Special Cell, Thoothukudi District 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 produce all documents in their hand and co-operate with the investigation and the respondent police shall cause notice under Section 41(A) of Cr.P.C and proceed further in accordance with law.

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either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

sd/-
02/07/2020

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

ORDER IN
CRL OP(MD) No.6946 of 2020
Date : 02/07/2020

AAV

TE/VR/SAR-II : 03/07/2020 : 3P/5C

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