



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

Date : 31/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.6797 of 2020

1. Velusamy
2. Manikandan

... Petitioners/Accused No.9&10

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Sivagangai District.
Cr.No. 7 of 2020.

... Respondent/Complainant

For Petitioner : M/s K.Naveetha Raja,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.7/2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 468, 471, 294(b), 506(i) and 120(B) of I.P.C., in Crime No. 7 of 2020 on the file of the respondent police. Hence, seeks anticipatory bail.

2. The petitioners are A9 and A10. The petitioners along with other accused persons sold the property in question to the defacto complainant and the said land originally belongs to the Railways. The petitioners have sold the property to the defacto complainant subsequently, the defacto complainant came to know that the property belongs to the Railways. Hence, the complaint.



3. Earlier, when the matter was taken up for hearing, the learned counsel for the petitioners submitted that the property has been re-conveyed and the defacto complainant also received the money.

4. Heard the learned Government Advocate (Criminal Side) appearing for the respondent.

5. Considering the facts and circumstances of the case and also considering the fact that now the sale deed has been cancelled and the defacto complainant has also received the money, 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 on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Sivagangai 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 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;

(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 absconds, a fresh FIR can be registered under Section 229-A IPC.



7. Further, it is found that the property belongs to the Railway, therefore, the Railway authority shall take necessary steps to get the property from the petitioners.

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sd/-
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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 NO.II,
SIVAGANGAI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6797 of 2020
Date :31/07/2020

DAS
SRS/ JC/ SAR-II/ 06.08.2020/ 3P/5C