



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8528 of 2020

A. Raja

... Petitioner/Accused No.6

Vs

State represented by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Thoothukudi, Thoothukudi District.
Crime No. 61 of 2014.

... Respondent/Complainant

For Petitioner : Mr. S. Ramasamy,
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. 61 of 2014 on the file of
the Respondent Police

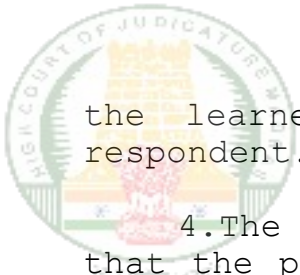
ORDER : The Court made the following order :-

The petitioner, who is arrayed as A6, apprehending arrest at
the hands of the respondent police for the offences punishable under
sections 120(b), 465, 466, 468, 471 and 420 of IPC, in Crime No.61
of 2014 on the file of the respondent police, seeks anticipatory
bail.

2.The case of the prosecution is that the first and second
accused were said to have created false patta in favour of A3 and
thereafter, A3 sold the property in favour of A4 in this case and
subsequently, A4 had executed a General Power of Attorney in favour
of the petitioner. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and

<https://hcservices.ecourts.gov.in/hcservices/>



the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the first and second accused have already been granted anticipatory bail by this Court in Crl.O.P.(MD) No.6712 of 2020, dated 27.07.2020 and the third and fourth accused were already released on bail. Hence, he seek anticipatory bail.

5.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the first and second accused were said to have created false patta in favour of A3 and thereafter, A3 sold the property in favour of A4 in this case and subsequently, A4 had executed a General Power of Attorney in favour of the petitioner. Hence, the crime has been registered.

6.Considering the facts and circumstances of the case and also considering the fact that only A4 had executed General Power of Attorney in favour of the petitioner and A1 and A2 have granted anticipatory bail and A3 and A4 have already been arrested and released on bail. Considering the above circumstances, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Special Court for Land Grabbing Special Cell (Magistrate Level), Thoothukudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation



(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/-
18/08/2020

/ 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 JUDGE,
SPECIAL COURT FOR LAND GRABBING SPECIAL CELL
(MAGISTRATE LEVEL), THOOTHUKUDI.
- 2 DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8528 of 2020
Date : 18/08/2020

vsg
AE/PN/SAR-III (20.08.2020) 3P 5C