



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.10942 of 2020

1. Malarselvi
2. Radha
3. Mohanraj
4. Prabavathi
5. Chinnasamy

... Petitioners/Accused No.2,3,5,8&9

Vs

The State rep. by
The Inspector of Police,
District Crime Branch,
Anti-Land Grabbing Special Cell,
Karur.
(Crime No.17/2020).

... Respondent/Complainant

For Petitioners: Mr.K.Balasubramani,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 17 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2, 3, 5, 8 and 9, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120-B, 417, 420 and 468 of IPC, in Crime No.17 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused persons said to have created forged documents in respect of the property, belonged to the defacto complainant, and executed the same in favour of other accused. Hence, the present



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

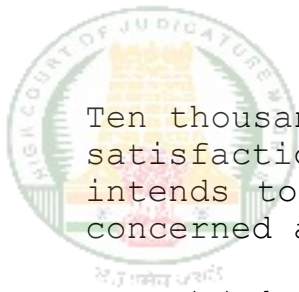
4. The learned counsel appearing for the petitioners submitted that now the matter has been settled between the parties and they have also filed a compromise memo to that effect. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. A copy of Compromise memo has been filed before this Court, which have been duly signed by the defacto complainant and the petitioners/accused and also by their respective counsel stating that the dispute is amicably settled between the parties and the defacto complainant. The said compromise memo is extracted hereunder:

"It is submitted that based on the complaint dated 19.09.2020 of the defacto complainant, the respondent police has registered a case in Crime No.17 of 2020 for alleged offences under Sections 120(b), 417, 420 and 468 of IPC. The petitioners moved anticipatory bail before this Court in the above criminal original petition and the same is pending before this Court. As per the advice of elders, the defacto complainant and all accused in Crime No.17 of 2020 arrived for amicable settlement. As sum of Rs.13,20,000/- (Rupees Thirteen Lakhs Twenty Thousand Only) by cash to the defacto complainant on 15.10.2020. The defacto complainant's accept the same as full quit for the loss suffered in the subject transaction and undertakes to give up all his claims against the accused in Crime No.17 of 2020. Further the defacto complainant accepts the compromise with the petitioners and other accused in the crime number. In view of the above settlement, the defacto complainant is not willing to proceed further in Crime No.17 of 2020 on the file of the respondent Police. The above compromise may be recorded in the interest of justice, the defacto complainant does not have any objection to grant anticipatory bail to the accused persons, suitable orders may be passed."

6. Considering the facts and circumstances of the case and also considering the fact that the matter has been compromised between them, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karur, on condition that the



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

sd/-
16/10/2020

/ 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 NO.II,
KARUR.



2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
ANTI-LAND GRABBING SPECIAL CELL,
KARUR.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10942 of 2020
Date :16/10/2020

VSG
SRS/ AKM/SAR-IV/ 28.10.2020/ 4P/5C