



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/10/2020

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

CRL OP(MD) . No.11937 of 2020

K.Shafica Thasneem

... Petitioner/Accused No.2

Vs

State through
The Inspector of Police,
District Crime Branch,
District Police Office,
Madurai Road, Theni, Theni District.
Crime No.2 of 2020.

... Respondent/Respondent

For Petitioner : Mr.K.Safar Badhusha,
Advocate.

For Respondent : Mr.R.Seenivasan,
Government Advocate (Crl.Side)

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

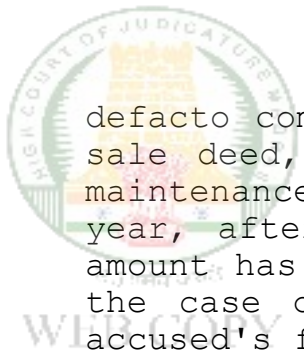
PRAYER :-

For an Anticipatory Bail in the event of her arrest or surrender before the court in connection with the C.C.No.3 of 2020 on the file of the Learned Judicial Magistrate/Special Court for Land Grabbing Cases, Theni.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as Accused No.2 in Crime No. 2 of 2020 on the file of the respondent police, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468 and 471 and 120(b) of IPC, which is now pending in C.C.No.3 of 2020 on the file of the learned Judicial Magistrate/Special Court for Land Grabbing Cases, Theni, and hence, seeks anticipatory bail.

2. It is the case of the prosecution that the land bearing Survey Nos.491, 504/8, T.S.No.183/3 and 183/4, measuring to an extent of 5 acres 53 cent at Chinnamanur Village, belonged to the



defacto complainant's family from the year 1939, through registered sale deed, was given to the grandfather of the first accused for maintenance. According to the petitioner, after conclusion of every year, after deducting the expenses and other charges, the balance amount has to be given to the defacto complainant's family. It is the case of the prosecution that the same was followed by first accused's father. Further, it is contended that after the demise of first accused's father, the same was carried out by the first accused. According to the prosecution, during the year 2011, by taking advantage of the resemblance in the name of the defacto complainant's mother, the first accused criminally conspired with the petitioner (A2), prepared a forged registered document both in the petitioner's name and in the name of the younger brother's son of the first accused.

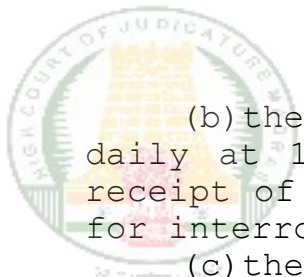
3. The learned counsel for the petitioner would also further contend that till date, no civil suit has been filed, challenging the registration of the document by the petitioner and her husband, who is arrayed as A1 in C.C.No.3 of 2020. The complaint was given by the defacto complainant only on 03.02.2020, after lapse of almost 9 years from the date of the alleged fabrication of the document committed by the petitioner and her husband. The learned counsel appearing for the petitioner also brought to the notice of this Court that the first accused has already been granted anticipatory bail on 18.02.2020 by this Court in CrI.O.P.(MD)No.2430 of 2020. The same has also been filed in the typed set of papers filed by the petitioner.

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

5. Since the first accused has already been granted anticipatory bail by this Court as early as on 18.02.2020, the petitioner who is his wife should also be granted anticipatory bail. Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate/Special Court for Land Grabbing Cases, Theni on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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



(b)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks from the date of receipt of a copy of this order and thereafter 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 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.

sd/-

22/10/2020

/ TRUE COPY /

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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/SPECIAL COURT FOR LAND GRABBING CASES,
THENI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DISTRICT POLICE OFFICE, MADURAI ROAD,
THENI, THENI DISTRICT.

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

ORDER IN

CRL OP(MD) No.11937 of 2020

Date :22/10/2020

vsm/sts

AE/SMA/SAR-IV (29.10.2020) 3P 5C

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