



WEB COPY

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

Date : 18/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) . No.13077 of 2020

1. Muthupandian @ Muthupandi ... 1st Petitioner/Accused No.3
2. Velladurai Pandiyan ... 2nd Petitioner/Accused
(Rank Not Known)
Vs

State Represented by
The Inspector of Police,
District Crime Branch,
Tirunelveli District.
Crime No.10/2019. ... Respondent/Complainant

For Petitioners: Mr.V.Kathirvelu, Senior Counsel for
Mr.K.Prabhu, 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.10 of 2019 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A5 and A6, apprehending arrest at the hands of the respondent police for the offences punishable under sections 419, 420, 423, 467, 468 and 471 of IPC, in Crime No.10 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 has impersonated as the defacto complainant's father and also created forged patta and executed released deed in favour of A2, in which, the petitioners stood as witnesses. Thereafter, A2 has executed settlement deed in favour of her daughter(A4). Based on the complaint given by the



defacto complainant, the crime has been registered against the petitioners and others.

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

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the defacto complainant lodged a false complaint with intent to extract money from the petitioner. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that in order to grab the properties, A1 impersonated as the defacto complainant's father and executed release deed in favour of A2, in which, the petitioners stood as witnesses. Thereafter, A2 in turn executed settlement deed in favour of A4.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners stood as witnesses in the alleged occurrence and there is no serious allegations against the petitioners, 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 for Anti Land Grabbing, Tirunelveli, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees 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/-
18/11/2020

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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 FOR ANTI LAND GRABBING,
TIRUNELVELI, TIRUNELVELI DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.PRABHU, Advocate (SR-7567[I] dated 20/11/2020)

ORDER
IN
CRL OP(MD) No.13077 of 2020
Date : 18/11/2020

vsg/dss
AE/AKM/SAR-III (23.11.2020) 3P 6C