



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17674 of 2021

1 GOVINDARAJ [PETITIONERS / ACCUSED]
2 SEETHALAKSHMI
3 SATHISHKUMAR
4 SASIKALA
5 MALLIGA MADHU
6 PAVITHRA MADHU
7 MAHALINGAM

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
SALEM (CRIME NO.2/2021)

For Petitioner : M/S B.KUMARASAMY Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 120(B), 416, 471, 420 & 506(i) of IPC in Cr.No.2 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the original land holder of agricultural land measuring 2.29 Acres and suddenly ten unknown persons trespassed the land and insisted the de-facto complainant to evict the land and threatened with dire consequences. When the de-facto complainant verified the status of the above land, he came to know that a sale deed was illegally executed in favour of first petitioner and 9 others. Hence, the de-facto complainant registered a complaint against the petitioners and other accused persons. It is the further case of the prosecution that the land measuring 2.29 acres belonged to one Late Pappammal who is the grand mother of the first petitioner and mother of the de-facto



complainant. Based on the unregistered will, the first petitioner claimed the property to be his own suppressing the fact of the settlement deed which has already been executed in favour of de-facto complainant. Thereafter, the petitioners restricted the de-facto complainant from enjoying the property and threatened the de-facto complainant with dire consequences. Hence this complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the very same issue is pending in O.S.No.129/2010 and the ex-parte injunction is granted against the de-facto complainant and also the petition filed by the de-facto complainant to set the ex-parte injunction was also dismissed. He further submitted that a settlement deed was executed by the late Pappammal in favour of her daughter Rajammal the hence prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the investigation is pending in this case. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and since a civil suit is already pending in between the parties, I am inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.6, Salem, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;



(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

21/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.6, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 STATE REP BY
INSPECTOR OF POLICE, CITY CRIME BRANCH, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S B.KUMARASAMY Advocate on payment of necessary charges SR.No.11563

CRL OP.17674/2021

Date :21/10/2021

APN 18/11/2021