



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23890 of 2021

1.Annamalai
2.A.Murugesan
3.Mayangammal @ Ayyathal
4.Thayammal
5.Jothimani
6.K.C.Kaliappan

... Petitioners

Versus

State Rep by
The Inspector of Police,
Kunnathur Police Station,
(*) (Crime No.1127 of 2011)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in **(*)Crime No.1127 of 2011** pending investigation on the file of the respondent police.

For Petitioners : Mr.P.Kalimuthu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under section 467, 468, 420 of IPC @ 120(B), 420, 423, 467, 468, 471 of IPC, in **(*)Crime No.1127 of 2011** seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant got right over the property under the gift settlement deed dated 04.04.1985 infavour of Velliravel School building committee in order to put up constructions and it is alleged that the petitioners along with other accused persons were involved in grabbing land grabbing offences and sold the property to one Shanmugam and Ranjith and



further the petitioners are legal heirs of the land owners who executed a sale deed in favour of Shanmugam and Ranjith. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners has not committed any such offence as alleged by the prosecution and they been falsely implicated in this case. He further submits that earlier this Court granted anticipatory bail to the petitioners and other accused in CrI.O.P.No.18180 of 2011 dated 01.08.2011 . Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) submits that that the alleged occurrence happened in the year 2011. However, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering that the alleged offence happened in the year 2011 and co-accused released on bail, hence this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the learned (*) **Judicial Magistrate, Uthukuzhli, Tiruppur District** on condition that the petitioners shall execute a bond for 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 are directed to appear before the respondent police as and when required.

[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].

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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
13/12/2021

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.

(*)AMENDED AS PER ORDER OF THIS COURT DATED 01/02/2022 MADE IN CRL.MP.No.937 OF 2022 IN CRL.O.P.NO.23890 OF 2021

TO

**(*)1 THE JUDICIAL MAGISTRATE,
UTHUKUZHLI, TIRUPPUR DISTRICT.**

2 THE JUDICIAL MAGISTRATE,
DHARAPURAM, TIRUPPUR DISTRICT.

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION].

4 THE INSPECTOR OF POLICE KUNNATHUR
POLICE STATION,

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. P. KALIMUTHU Advocate on payment of necessary charges

CRL OP.23890/2021

Date :13/12/2021

JPA 20/12/2021

JPA 14/02/2022