



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD). No.1235 of 2021

1. Chidambaram

2. Karthik

... Petitioners/Not Accused

Vs

The State Rep. by
The Inspector of Police,
District Crime Branch,
Thanjavur Police Station,
Thanjavur District.
(Crime No.4 of 2020).

... Respondent/Complainant

For Petitioners: Mr.Veerasekaran.D., Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No.4 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 419, 466, 468, 471, 423, 420 and 506(i) of I.P.C., in Crime No.4 of 2020 on the file of the respondent police, seek anticipatory bail.

3. It is seen from the materials on record that the petitioners are A6 and A7, who are working as Computer Operator and Document Writer. The defacto complainant is the owner of the property, who is a aged person, leased out the property by way of lease deed. The lease amount was fixed to the tune of Rs.3 Lakhs. Taking advantage of the same, A1 had prepared a sale deed in favour of A2 and executed a sale deed. The petitioners herein are used as instrumental for the preparation and registration of the sale deed. The petitioners only prepared the documents as per the instructions



and materials produced by the buyer and seller. A1 is the seller and A2 is a buyer. A1 was arrested and released on bail. A2 to A5 were granted anticipatory bail by the Sessions Court in M.P.No.3041 of 2020.

4. In view of the same, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Special Court for Land Grabbing Cases, Thanjavur, 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;

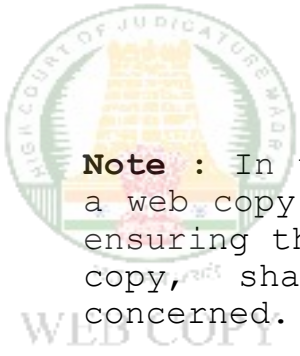
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-
05/03/2021

/ TRUE COPY /

/ /2021
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 JUDGE,
SPECIAL COURT FOR LAND GRABBING CASES,
THANJAVUR.
2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THANJAVUR POLICE STATION,
THANJAVUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.1235 of 2021
Date :05/03/2021

IAS
TE/SMA/SAR-II : 10/03/2021 : 3P/4C