



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1837 of 2021

1. V.Panchavarnam
2. Nagarajan

... Petitioners/Accused Nos.1 and 2

Vs

State Represented by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Ramanathapuram.
Crime No. 11 of 2021.

... Respondent/Complainant

For Petitioners: Mr.R.Senthil Kumar,
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.11 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 120(B), 465, 468, 471 and 420 of IPC, in Crime No.11 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father had executed a power of attorney in favour of the first petitioner vide Doc.No.299 of 2001, dated 20.08.2001. After the demise of the defacto complainant's father, the first petitioner and second petitioner colluded with each other and had executed sale deed in favour of the second petitioner. Thereafter, the second petitioner executed a sale deed in favour of A3. Thereafter, A3 had executed sale deed in favour of one subbiah. Therefore, all the



accused persons colluded each other grabbed the property from the defacto complainant. Hence, a complaint has been registered.

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 have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are ready and willing to settle the issue. Hence, he prayed for grant of anticipatory bail to the petitioners.

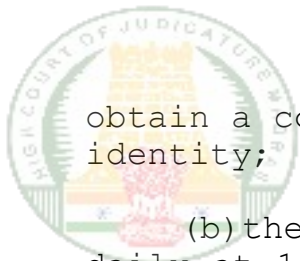
5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there is no previous case pending against the petitioners and the respondent Police has issued 41(A) notice to the petitioners.

6. On perusal of the materials available on records, it is seen that the first petitioner and the defacto complainant's father are friends. The defacto complainant's father had executed a power of attorney in favour of the first petitioner vide Doc.No.299 of 2001, dated 20.08.2001. After the demise of the defacto complainant's father, the first petitioner and the second petitioner colluded with each other and executed sale deed in favour of the second petitioner. Thereafter, the second petitioner had executed a sale deed in favour of A3. Thereafter, A3 had executed sale deed in favour of one Subbiah. Now in the revenue records, the property stands in the name of one Subbiah. It is also seen that 41(A) notice has also been issued to the petitioners by the respondent Police.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioners are ready and willing to settle the issue and 41(A) notice has also been issued to the petitioners by the respondent Police, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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, Special Court for Land grabbing cases, Ramanathapuram, 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 impressions 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 daily at 10.30 a.m for a period of two weeks and thereafter, 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/02/2021

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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,
RAMANATHAPURAM.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
RAMANATHAPURAM.



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

+1 CC to Mr.R.SENTHIL KUMAR, Advocate (SR-1010[I] dated 15/02/2021)

WEB COPY

ORDER

IN

CRL OP(MD) No.1837 of 2021

Date :12/02/2021

vsg

AE/SMA/SAR-II (17/02/2021) 4P / 6C