



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2750 of 2021

1. Mariadasan
2. Jebarin Solarins ... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
District Crime Branch,
Tirunelveli, Tirunelveli District.
Crime No.4/2021. ... Respondent/Complainant

For Petitioners: Mr.S.Palani Velayutham,
Advocate.

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

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

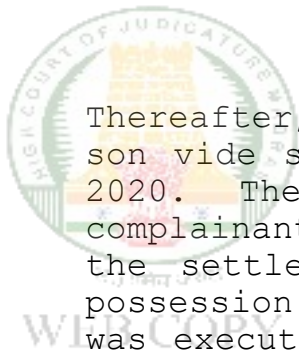
PRAYER :-For Anticipatory Bail in Crime No.4 of 2021 on the file of the respondent Police.

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 420, 465, 468, 471, 447, 427, 294(b) and 506(i) of I.P.C., in Crime No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

3. considering the rival submission and the materials available on record, it is seen that the petitioners are A1 and A2. The first petitioner had inherited the property from his forefather.



Thereafter, he had settled same to the second petitioner, who is his son vide settlement deed dated 10.11.2020 vide Document No.4615 of 2020. There are 18 properties in the settlement deed. The defacto complainant claims that three of his properties are also included in the settlement deed. A1 is aged about 85 years and he was in possession and enjoyment of the property, till the settlement deed was executed. The defacto complainant did not raise any objection till the registration of the sale deed and now he raised objections in order to grab the properties.

4.Since the issue is civil in nature, 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/03/2021

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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 JUDGE,
SPECIAL COURT FOR ANTI LAND GRABBING,
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2.THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2750 of 2021
Date :18/03/2021

IAS
AE/SMA/SAR-IV (23/03/2021) 3P / 4C