



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3397 of 2021

A.Swaminathan

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Dindigul.

(Crime No.36 of 2014 of
DCB, Dindigul)

... Respondent/Complainant

For Petitioner : Mrs.J.R.Annie Abinaya
for Mr.A.John Vincent,
Advocate.

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

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

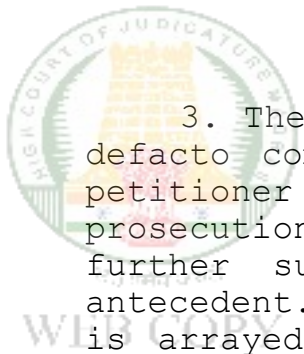
PRAYER :-

For Anticipatory Bail in Crime no.36 of 2014 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A2, apprehending arrest at
the hands of the respondent Police for the offence punishable under
Sections 420, 465, 468 r/w. 120 (b) I.P.C., on the file of the
respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and his
father Arumugam sold six cents of land in Survey No.661/1B of
T.Muthurampatti village to the defacto complainant and to his
brother Chinniah, on 21.08.2001. When they tried to clean the
ground for construction on 20.01.2012, one Kannamani, wife of
Subramani, objected for construction claiming ownership to the
property. Upon verification with the registrar office, the said
Kannamani purchased it from Kamuthai on 22.05.2007.



3. The learned counsel for the petitioner would submit that the defacto complainant is the paternal uncle of the petitioner. The petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner is not having any bad antecedent. There are two accused, in which, the petitioner herein is arrayed as A2. A1 is the father of the petitioner / A2, who already granted anticipatory bail before the lower Court in the year 2014 itself. Therefore, the custodial interrogation of the petitioner absolutely not required in this case and the petitioner is working in Delhi and hence, he prayed for anticipatory bail to the petitioner.

4. The learned Government Advocate (criminal side) would submit that totally there are two accused, in which, the petitioner is arrayed as A2. The defacto complainant is the brother of A1 and the case was registered in Crime No.36 of 2014 and after investigation, charge sheet filed and the same was taken on file as C.C.No.227 of 2020 and hence, custodial interrogation of the petitioner is very much required and prayed the petition to be dismissed.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondent police.

6. It is seen that totally there are two accused, in which, the petitioner is arrayed as A2. A1 is the father of the petitioner. The defacto complainant is the brother of A1. With regard to sale of property, there was some dispute and the case was registered. Thereafter, a family arrangement mutated and the petitioner under the impression that the case would be settled. The petitioner was not arrested in the case and there is no apprehension of arrest. Thereafter, the petitioner has already gone to Delhi for his employment.

7. Taking into consideration the above facts and circumstances of the case and also taking note of the fact that co-accused/A1 in this case was already granted anticipatory bail in the year 2014, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Dindigul, on condition that the petitioner shall execute a bond for a 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:



(a) the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner 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/-
04/03/2021

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/ /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.

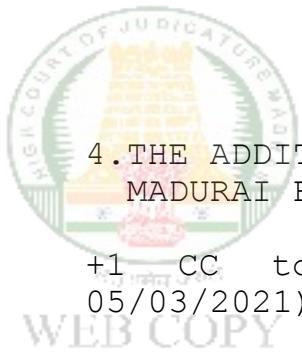
TO

1. THE JUDICIAL MAGISTRATE No.2,
DINDIGUL.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
DINDIGUL.

<https://hcservices.hcscourts.gov.in/hcservices/>
(CRIME NO.36 OF 2014 OF DCB, DINDIGUL)



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

+1 CC to M/s.J.R.ANNIE ABINAYA, Advocate (SR-1803[I] dated
05/03/2021)

ORDER

IN

CRL OP(MD) No.3397 of 2021

Date :04/03/2021

LS

TK/PN/SAR.1/09.03.2021/4P/6C