



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5394 of 2021

1. Poomagal
2. M.Thilagar

... Petitioners/Accused No. 3 & 4

Vs

State rep. By
The Inspector of Police,
District Crime Branch,
Tirunelveli District
(Crime No.4 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Anbarasu.S.R.,
Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

C-24AB. To Anticipatory Bail in Cr.No.4 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420, 465, 468, 471, 447, 427, 294(b) and 506(i) IPC in Crime No.4 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused created a forged settlement deed for the property belongs to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that A1 and A2 were granted anticipatory bail by this Court in Crl.O.P.(MD)No.2750



of 2021, dated 18.03.2021 and hence, he prayed for granting anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.side) submitted that it is a case of civil dispute and investigation is pending.

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

6.It is seen from the submissions made that the petitioners are charged that they have created fabricated documents and claimed title over the property, which belonged to the defacto complainant and also criminally intimidated him. The FIR is not clear about the role of the petitioner in fabricating the document. It is also seen that this Court granted anticipatory bail to A1 and A2 by an order dated 18.03.2021 made in Crl.O.P.(MD)No.2750 of 2021. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for Anti Land Grabbing, Tirunelveli, on condition that the petitioner 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 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 respondent police daily at 10.30 am., until further orders.

[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]**.



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

sd/-
20/04/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDGE,
SPECIAL COURT FOR ANTI LAND GRABBING,
TIRUNELVELI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5394 of 2021
Date :20/04/2021

AMS/VR/SAR-3/27/04/2021/3P/5C