



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

Date : 08/06/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.7001 of 2021

1. Sundararajan
2. Kannan
3. Soniya

... Petitioners/Accused Nos.1 to 3

Vs

State represented by
The Inspector of Police,
District Crime Branch,
Tirunelveli,
Tirunelveli District.
Crime No.8 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.R.A.Ramachandhran,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Counsel (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.8 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel on either side.

2.The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Sections 420, 465, 467, 468 and 471 of IPC in Crime No.8 of 2021 on the file of the respondent police and seek anticipatory bail.

3.The case of the prosecution is that the 1st petitioner, who is the brother of the *de-facto* complainant had dealt with the property that was allotted to the *de-facto* complainant in a partition held in the year 1975. The 1st petitioner had settled 4 cents of land



5. In this view of the matter, arrest of the petitioners is not going to serve any purpose. That apart, the subject matter is also pending adjudication in O.S.No.75 of 2015 on the file of the Sub Court, Ambasamudram. Hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[c]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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
08/06/2021

WEB COPY

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

ORDER
IN
CRL OP(MD) No.7001 of 2021
Date :08/06/2021

MM
MS/MNR/SAR-3/11.06.2021/3P.5C