



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11928 of 2021

Sahaya Sharukan

... Petitioner/6th Accused

Vs

The State rep.by
The Inspector of Police,
Anti-Land Grabbing Special Cell,
Thoothukudi.
(Crime No.07 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.BALAKRISHNAN,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.07 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A6, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 120(B), 467, 468, 471 and 420 IPC, in Crime No.7 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the property in Survey No.793/3, Sathankulam Village, Sathankulam Taluk, Thoothukudi District, measuring to an extent of 13 Acre 18 cents, originally belonged to one Duraipandi Nadar Vagaiyaraa and by virtue of a registered sale deed dated 06.04.2020, one Shanmugavel Nadar purchased 1 acre 4 cents of land. After the demise of the said Shanmugavel Nadar, his sons, namely, the defacto complainant and his brother, inherited the same. The first accused, in order to cheat the defacto complainant, without any valid title, sold the disputed property, in favour of third and fourth accused and patta was also transferred in their name. Without notice to the the defacto complainant or the said Duraipandi Vagaiyaraa, the property was sub-divided by the Revenue Department. The petitioner is the one of



attesting witnesses to the document executed by the first accused. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is not aware of the above said facts. The first accused requested the petitioner to sign as a witness to the document and the petitioner, on the *bona fide* impression that the first accused is the absolute owner of the property, signed in the document, without knowing about the illegal act.

4.Considering the nature of offence, this Court, vide order dated 08.09.2021, granted interim anticipatory bail, enabling the petitioner to appear before the respondent Police for enquiry.

5.Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor submits that the petitioner appeared before the respondent Police regularly as directed by this Court and confessed that inadvertently, the mistake has been committed and he is also intending to co-operate for the enquiry for correcting the mistake which has been committed by him.

6.Considering the conduct of the petitioner in co-operating for the enquiry and also the fact that the petitioner has realized his mistake and he is also intending to correct the mistake which has been committed by him, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the Criminal Original Petition is ordered. The petitioner is directed to be released on bail in the event of arrest or on 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.I, Sathankulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

[c]the petitioner shall not tamper with the 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 petitioner is 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
17/09/2021

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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.I
SATHANKULAM.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ANTI-LAND GRABBING SPECIAL CELL,
THOOTHUKUDI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.BALAKRISHNAN, Advocate SR.No.6369

**ORDER
IN**

CRL OP(MD) No.11928 of 2021
Date :17/09/2021

SA/PN/SAR.2/24.09.2021/3P/6C