



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). Nos.12825, 13063 and 13125 of 2021

S.Rajesh ... Petitioner / Accused No.15
in Crl.O.P(MD).No.12825 of 2021

Jeevanantham ... Petitioner / Accused No.11
in Crl.O.P(MD).No.13063 of 2021

P.Satagopan ... Petitioner / Accused No.10
in Crl.O.P(MD).No.13125 of 2021

Vs

The state represented by
The Inspector of Police,
District Crime Branch,
Thoothukudi,
Thoothukudi District.
Crime No.23 OF 2021 ... Respondent/Complainant
in all the cases

For Petitioner : Mr.N.Pragalathan, Advocate
(In Crl.O.P(MD).No.12825 of 2021)

For Petitioner : Mr.J.Antony Jesus, Advocate
(In Crl.O.P(MD).No.13063 of 2021)

For Petitioner : Mr.S.Kanagarajan, Advocate
(In Crl.O.P(MD).No.13125 of 2021)

For Respondent : Mr.T.SENTHIL KUMAR,
Additional public prosecutor
(In all the cases)

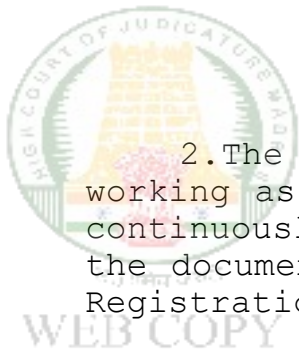
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

Common PRAYER :-

For Anticipatory Bail in Crime No.23 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
120(B), 417, 420, 466, 468, 471, 166-A and 34 of IPC, in Crime No.23
of 2021, seek anticipatory bail.



2.The case of the prosecution is that the petitioners were working as Registrars and they have registered the unapproved plots continuously and the same were illegally registered without perusing the documents and without following the rules and provisions of the Registration Act. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case. He would further submit that these documents have been registered in the year 2014 and 2015 prior to the circular issued by the competent authority.

4.The learned counsel for the Additional Public Prosecutor would submit that prohibition for registering unapproved layout has been issued by the Hon'ble supreme Court in the year 2016 and those documents were registered in the years 2014 and 2015. He would further submit that the disciplinary proceedings have been initiated against these petitioners. The petitioners have not involved in any other offence.

5.It is seen that the above said documents were registered in the year 2014 and 2015, prior to the directions of the Hon'ble Supreme Court. Considering the nature of allegations and the registration of documents prior to the directions and the antecedents of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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 learned Judicial Magistrate, land Grabbing Special Court, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioners shall not tamper with the 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/-

01/10/2021

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-6902[I] dated 05/10/2021)

ORDER

IN

CRL OP(MD) No.12825 ,
13063 and 13125 of 2021

Date :01/10/2021

(1/2)

SS/JM/SAR-IV/16.11.2021 : 3P/6C