



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13481 of 2021

1. V.Kunapandian,

2. V.Selvin Raj,

3. V.Ponvel,

... Petitioners/Accused

Vs

State Rep by,
The Inspector of Police,
Anti-Land Grabbing Special Cell,
Thoothukudi.

Crime No.Not known of 2021.

... Respondent/Complainant

For Petitioners : Mr.R.Pon Karthikeyan, Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime No.Not known of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police, for the offence under Sections 420, 465, 467, 470, 471 and 120(b) of IPC in Crime No.Not Known of 2021, have filed this application for anticipatory bail.

2.The case of the prosecution is that the petitioners, by suppressing the legal heir status of one (late) Vannia Nadar, who died intestate, have sold the properties. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that since (late) Vannia Nadar died intestate, the family members have shared the properties and jewels among themselves. Now, the defacto complainant has filed this false complaint.



4.The learned Additional Public Prosecutor submits that there are 10 legal heirs to Vanniya Nadar, and the sons of Vannia Nadar, have prepared the fake legal heir certificate, leaving their sisters. Admittedly, no property has been transferred and no documents have been created.

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5.The learned counsel for the petitioners would submit that the petitioners are not responsible for the alleged fake legal heir certificate.

6.It is the duty of the respondent police to find out, who has prepared the fake legal heir certificate and if any officer has colluded in preparing the legal heirs certificate, take action against the officer concerned.

7.Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

8.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, Special Court for land Grabbing Cases, 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.

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

ORDER
IN
CRL OP(MD) No.13481 of 2021
Date :01/10/2021

PKP/PN/SAR-1/20.10.2021/3P/5C