



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/09/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP(MD).No.13640 of 2021

P.Selvam

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
City Crime Branch, (ALGSC),
Madurai City.
(Crime No.17 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Kumaravel, Advocate.
For Respondent : Mr.E.Antony Sahaya Prabhakar,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No. 17 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.5, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 465, 466, 468, 471, 473 and 474 of IPC, in Crime No.17 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has registered one housing plot executed by the Tamilnadu Housing Board in Registration No.2557/2014 in Chokkikulam Sub-Registrar Office. Since the above said Plot was registered as document numbers 582 of 2012 and 5007 of 2012 in Chokkikulam Sub-Registrar Office, which was wrongly registered to another person viz., B.Annamalai using the address of defacto complainant shop and subsequently, Power of Attorney registered in favour of R.Thulasi and the power agent sold this property to one G.Chandraprakash.

3.The learned counsel for the petitioner would submit that he has put his signature as a witness in the document. A2, A3, A4 and A7 were granted bail by the Trial Court. He would further submit that this petitioner is innocent, he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the



4.The learned Additional Public Prosecutor appearing for the respondent would submit this petitioner is arrayed as accused No.5 and he signed as a witness in the document.

5.Taking into consideration of the facts and circumstances of the case and the petitioner signed as a witness in the alleged document and the other accused had been granted bail by the Trial Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for Exclusive Trial of Land Grabbing Cases, Madurai, 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 Court 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 learned Magistrate 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 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/09/2021

/ TRUE COPY /

/ /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 SPECIAL JUDGE FOR EXCLUSIVE TRIAL
OF LAND GRABBING CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, (ALGSC),
MADURAI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.K.KUMARAVEL, Advocate (SR-6307[I] dated 16/09/2021)

ORDER

IN

CRL OP(MD) No.13640 of 2021

Date :16/09/2021

AM/CSM

MS/VR/SAR-1/22.09.2021/3P.5C