



WEB COPY

CRL OP(MD) . No.14272 of 2021

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

Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14272 of 2021

Meenakshi Sundaram

... Petitioner/2nd Accused

Vs

State rep. by its,
The Inspector of Police,
Central Crime Branch,
Madurai City,
Madurai.
Cr.No. 27 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Gandhi
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.27 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 465, 468, 471, 166, 218 of IPC, in Crime No.27 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has issued a patta without verifying any documents in favour of a third party, who is not the owner of the land.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that he has issued the patta only on the recommendation of the Village Administrative Officer. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that

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the Village Administrative Officer has rejected the application made by the first accused on 13.01.2021. Thereafter, the first accused has applied for the patta through online and the same was processed without verification by the Village Administrative Officer and the petitioner knowing well that A1 is not having any title over the property and also without any verification from the Village Administrative Officer, he has issued this forged document in favour of the first accused.

5. Based on the above said submissions, on 28.09.2021, this Court had granted interim anticipatory bail to the petitioner with directions to the petitioner to appear before the respondent police daily for a period of two weeks and co-operate with the investigation and also the Revenue Divisional Officer/Sub Collector to conduct an enquiry and file a report before this Court on the next hearing.

6. As per the direction of this Court, the Revenue Divisional Officer has filed a detailed report before this Court, wherein it is stated that based on the recommendation of the Village Administrative Officer, the petitioner has issued the patta to A1.

7. Considering the facts and circumstances of the case and the report of the Revenue Divisional Officer that based on the report of VAO the petitioner issued patta, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this criminal original petition is allowed and the petitioner is ordered 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 Special Court for the 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 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before respondent police on every Monday 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/10/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

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

ORDER
IN
CRL OP(MD) No.14272 of 2021
Date : 25/10/2021

RK/JM/SAR-IV(16/11/2021) 3P 4C