



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

Date : 07.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.14760 of 2021

WEB COPY

K.Sami Ayya

... Petitioner/Accused No.7

Vs

State Rep by
The Inspector of Police,
Anti-Land Grabbing Special Wing/
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
Crime No.33 of 2021 ... Respondent/Complainant

For Petitioner : Mr.I.Pinaygash, Advocate

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.33 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 419, 465, 468, 471, 420 and 120(B) IPC in Crime No.33 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant, namely, G.Malaichamy, lodged a complaint before the respondent police stating that one Manikandan/A3 executed a forged sale deed in favour of him, by impersonation of the de-facto complainant's mother namely, Shanmugavalli. Thereafter, on 19.02.2021, A3 had executed the sale deed of the said land to A6. Thereafter, on 26.02.2021, A6 had executed the sale deed of the said land in favour of the petitioner.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence, but he has been falsely implicated in this case. He further submits that the petitioner is the third purchaser of this property and he came to know about this forgery and he is ready to cancel the said sale deed executed in favour of him.



4.The learned Additional Public Prosecutor appearing for the respondent police strongly opposed this petition on the ground that investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioner, 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 Judicial Magistrate, Special Court for Land Grabbing Cases, Ramanathapuram, 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 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 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]***; and;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/10/2021

/ TRUE COPY /

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

kmm

<https://hcservices.ecourts.gov.in/hcservices/>



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,
Ramanathapuram.
- 2.Do Through The Chief Judicial Magistrate,
Ramanathapuram.
- 3.The Inspector of Police,
Anti-Land Grabbing Special Wing/
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.14760 of 2021
Date : 07.10.2021

TR/VR/SAR-III(26.10.2021) 3P 5C