



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

Date : 30/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.16892 of 2021

Kala @ Latha

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Anti Land Grabbing Special Cell/DCB,
Ramanathapuram, Ramanathapuram District.
Cr.No.33 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.UTHAYAKUMAR,
Advocate.

For Respondent : Mr.RMS.SETHURAMAN,
Additional Public Prosecutor

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

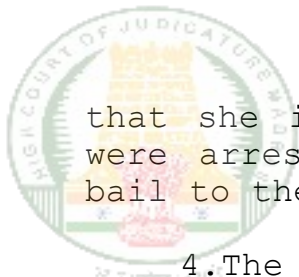
PRAYER :- For Anticipatory Bail in Crime No.33 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 465, 468, 471, 420 r/w 120(b) IPC, in Cr.No.33 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the property in S.No.9/5A to an extent of 1.7 acres, was originally belonging to the mother of the *defacto* complainant and she died on 09.09.2018, leaving behind the *defacto* complainant, his brothers and sisters as legal representatives. While so, the first accused Sakthivel and others had forged the records with respect to the property belonging to the mother of the *defacto* complainant and sold the same to Accused No.3, 5 and 6 and executed sale deed before the Sub Registrar Office, Velipattinam in Doc.Nos.1573 of 2021 and 2353 of 2021, without any bona-fide documents. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution, that the petitioner is the wife of the first accused, that she has no connection with the alleged transaction,



that she is not having any previous case and that the co-accused were arrested and released on bail. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is not yet completed and that the petitioner is not having any previous case at her credit.

5.He would further submit that the records would reveal that, the accused No.1 to 4 with the help of A4, had impersonated the grand mother of the *defacto* complainant and fraudulently executed documents in favour of A5 to A9.

6.Considering the nature of charges levelled against the petitioner and the submission of the learned counsel for the petitioner that the present petitioner who is the wife of the first accused, has neither signed in the document, nor stood as witness to the document and that she has no connection with the alleged transaction and also upon considering the facts that the co-accused ie., A1 and A3 were arrested and released on bail and that the petitioner is not having any previous case for similar or serious offence, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

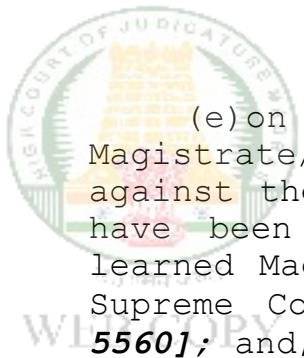
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Special Court for Anti Land Grapping Case, Ramanathapuram on condition that 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/11/2021

/ 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 JUDICIAL MAGISTRATE
SPECIAL COURT FOR ANTI LAND GRABBING CASE,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL/DCB,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.UTHAYAKUMAR.A, Advocate SR.No.8745

**ORDER
IN**

CRL OP(MD) No.16892 of 2021
Date :30/11/2021

SA/PN/SAR.2/07.12.2021/3P/6C