



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10508 of 2022

1 RAMU @ RAMAMOORTHY [PETITIONERS/ ACCUSED]
2 SEKAR
3 MALATHI
4 KAMATCHI
5 THEERTHI @ THEERTHIYAMMAL
6 BALASUBRAMANI

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KRISHNAGIRI.
CRIME NO.02/2022.

For Petitioner : M/S.T.AROCKIA DASS, Advocate

For Respondent : M/S.J.SUBBIAH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence **under Sections 468 and 420 of IPC**, in Crime No.02 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. Heard the submissions of the learned counsel appearing for both the parties.

3. The allegation is that the accused manipulated the document and the grabbed the land of the defacto complainant .

4. It is seen from the submission of the learned counsel appearing for the petitioner that there is a dispute between the petitioner and the defacto complainant with regard to the pathway measuring 235 sq.ft. The trial Court declared that the disputed



pathway belongs to defacto complainant. Appeal in A.S.No.77/1994 is filed and pending.

5. The learned Government Advocate (Crl. Side) submits that co-accused had been granted anticipatory bail by this Court in Crl.O.P.No.7183 of 2022.

6. It appears that the dispute is already taken to Civil Court and Appeal proceeding is pending before Civil Court and some of the accused were granted anticipatory bail.

7. Considering the facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioner is not necessary. Thus, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Uthangarai**, on condition that the petitioners shall execute separate bond for sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) each, with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(c) **the petitioners shall report before the Investigating Officer daily at 10.30.a.m., until further orders;**

(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 has 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]**; and;



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

-sd/-

06/05/2022

WEB COPY

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
UTHANGARAI, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KRISHNAGIRI.

+1 CC to M/S.DASS AND VISWA ASSOCIATES Advocate on payment of
necessary charges SR.NO.6843

CRL OP.10508/2022

Date :06/05/2022

TA-11/05/2022