



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/02/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3027 of 2022

1.V.Gunapandian
2.V.Selvinraj
3.V.Ponvel

... Petitioners/Accused No.2,3 & 5

Vs

State Rep.by
The Sub Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.35/2021).

... Respondent/Complainant

For Petitioner : M/s.Pragalathan N,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.35 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.2, 3 and 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 465, 467, 468 and 420 I.P.C., in Cr.No.35 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are brothers and the defacto complainant is the sister of the petitioners and that the petitioners, by suppressing the legal heir status of one (Late) Vannia Nadar, who died intestate, have sold the properties. Hence, the present complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged in the F.I.R. He would further submit that previously when



the case was not registered, they have moved the anticipatory bail application in Crl.O.P.(MD)No.13481 of 2021 and this Court, vide order dated 01.10.2021 granted anticipatory bail by imposing certain conditions. He would further submit that subsequently, the present F.I.R., came to be registered.

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4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the complaint, which was given prior to the granting of anticipatory bail, was subsequently registered in Cr.No.35 of 2021 and that for the very same complaint, the petitioners have moved before this Court and got anticipatory bail.

5.Considering the nature of charges levelled against the petitioners and also taking note of the fact that this Court had already granted anticipatory bail to the petitioners and considering the fact that the petitioners are all senior citizens, this Court is inclined to grant anticipatory bail to the petitioners but with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their 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, Thoothukudi District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each 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 condition that:

(a)the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

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

(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 have 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/-
21/02/2022

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/ /2022
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 LAND GRABBING CASES,
THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-1363[I] dated 22/02/2022)

ORDER
IN
CRL OP(MD) No.3027 of 2022
Date :21/02/2022

RS/PN/SAR.2 (24.02.2022) 3P-6C