



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 04/11/2022

PRESENT

**The Hon`ble Mr.Justice A.A.NAKKIRAN**

CRL OP(MD) . No.3756 of 2022

WEB COPY

1. Syed Akthap Johny
2. Syed Athham Mathani
3. Rajmohamed

... Petitioner/Accused No.1 to 3

Vs

- 1.State Rep.by  
The Inspector of Police,  
Ayyampettai Police Station,  
Thanjavur District.  
Cr.No.1440/2020.

... Respondent/Complainant

- 2.P.Thilsath Begam

... 2<sup>nd</sup> Respondent

(R2 is suo-motu impleaded vide  
orderdated 24.02.2022 in  
CRL OP(MD).3756/2022 by KMSJ)

For Petitioners : M/s.Suresh Kannan C, Advocate.  
For R1 : Mr.M.Muthumanikkam,  
Government Advocate (Crl.Side)  
For R2 : Mr.A.Abdul Kabur, Advocate

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

PRAYER :-

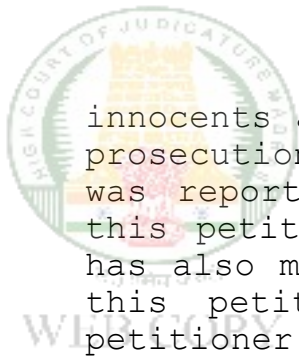
For Anticipatory Bail in Crime No.1440 of 2020 on the file of  
the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of  
the respondent police for the offences punishable under Sections  
420, 34 and 109 IPC, in Crime No.1440 of 2022, seek anticipatory  
bail.

2.The case of the prosecution is that the petitioners along  
with one S.A.Jamal Mohamed had conspired together for selling the  
de-facto complainant's husband property by way of house site plot  
and the same was sold to the public. Hence, the complaint.

3.The learned counsel for the petitioners would submit that  
there is a civil suit pending between the parties, the present case  
has been falsely registered against the petitioners and they are



innocents and they have not committed any offence as alleged. He would further submit that since the third petitioner was reported dead, he seeks permission of this Court to withdraw this petition as against the third petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as withdrawn as against the third petitioner is concerned.

4.The learned Government Advocate(Crl.Side) strongly opposed this petition stating that the petitioners had created forged document and also sold the de-facto complainant's husband property. He would further submit that the investigation has been completed and the charge sheet has already been filed and the same was taken on file in C.C.No.87 of 2022 before the learned Judicial Magistrate No.3, Thanjavur and the case stand posted for appearance of the accused on 05.11.2022.

5.Considering the facts and circumstances of the case and also considering the facts that the charge sheet has already been filed and the same was taken on file as C.C.No.87 of 2022 before the learned Judicial Magistrate No.3, Thanjavur and the case is pending for trial, this Court is inclined to grant anticipatory bail to the petitioners 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 No.3, Thanjavur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

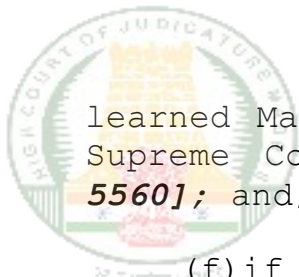
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the trial Court on all hearing dates without fail.

(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 imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

sd/-

04/11/2022

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/11/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.3, THANJAVUR.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, AYYAMPETTAI POLICE STATION,  
THANJAVUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.ABDUL KABUR, Advocate ( SR-12448[I] dated  
04/11/2022 )

ORDER

IN

CRL OP(MD) No.3756 of 2022

Date :04/11/2022

SJI

RS/VR/SAR.4(14.11.2022) 3P-6C