



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11.03.2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.4721 of 2022

1. Devaraj
2. Vijayakumar

... Petitioners/Accused 1&2

Vs

State represented by
The Inspector of Police,
Kodaikkanal Police Station,
Dindigul District.
(Crime No.47 of 2022)

... Respondent/Complainant

For Petitioners: Mr.K.Gokul,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-

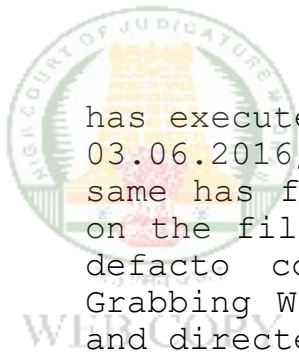
For Anticipatory Bail in Crime No.47 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 417, 423, 468 and 506(2) IPC, in Crime No.47 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused has executed sale deed dated 09.01.2002 as if the defacto complainant's mother was executing the same. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the defacto complainant's mother alone has executed a sale deed, but subsequently she has cancelled the said sale deed unilaterally in the year 2003, that since there were disputes, the first petitioner has filed a suit in O.S.No.10 of 2012 to declare that the cancellation of the sale deed dated 11.08.2003 is invalid and illegal on the file of the District Munsif Court, Kodaikkanal, and the suit was decreed on 15.03.2016 in favour of the first petitioner, that after the decree, the defacto complainant's mother



has executed settlement deed in favour of the defacto complainant on 03.06.2016, that the first petitioner after coming to know about the same has filed a suit in O.S.No.75 of 2021 and the same is pending on the file of the District Munsif Court, Kodaikkanal, and that the defacto complainant has preferred a complaint before the Land Grabbing Wing and after enquiry, the same was ordered to be closed and directed the defacto complainant to approach the civil Court.

4.The learned counsel for the petitioners would further submit that the first petitioner has filed a writ petition in W.P.(MD) No.3556 of 2022 as against the police officials not to interfere in civil dispute and notice was ordered and that after receiving the same, the respondent police has filed a complaint and FIR came to be registered as against the petitioners.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first petitioner has fabricated the sale deed as if the sale deed was executed by the defacto complainant's mother.

6.As rightly pointed out by the learned counsel for the petitioners, the above document was allegedly executed on 09.01.2002 and subsequently the same was cancelled by the defacto complainant's mother in the year 2003 and that the first petitioner has obtained decree on 15.03.2016 declaring the cancellation of the sale deed as illegal.

7.It is not in dispute that subsequently after the execution of the settlement deed by the defacto complainant's mother in favour of the defacto complainant, another suit was filed by the first petitioner in O.S.No.75 of 2021 and is pending.

8.Considering the above facts and circumstances and also the fact that there existed civil dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kodaikkanal, 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 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 Aadhaar card or bank pass book to ensure their identity.



[b]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the 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]***.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/03/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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,
KODAIKKANAL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE
KODAIKKANAL POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4721 of 2022
Date :11/03/2022