



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

Date : 04/04/2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.6126 of 2022

Thangadurai

... Petitioner/Accused No.3

Vs

State represented by
The Inspector of Police,
Central Crime Branch,
(Anti Land Grabbing Special Cell)
Madurai City.
(Crime No.8 of 2022)

... Respondent/Complainant

For Petitioner : Mr.P.Saravanakumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :-For Bail in Crime No.8 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.3, who was arrested and remanded to judicial custody on 07.03.2022 for the offences punishable under Sections 419, 420, 465, 467, 468, 471, 506(1), 120B and 109 IPC, in Crime No.8 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's father purchased a property at Madurai in the year 1963, that in the year 1993, the defacto complainant's father got retired from his job and settled at Trichy and thereafter the said property was visited by the defacto complainant's father frequently, but after his death, the defacto complainant was not able to come to Madurai, that on 27.02.2022, the defacto complainant had visited his father's property and he found that a temple was constructed in the middle portion of the said property and through Encumbrance Certificate, he



came to know that the fourth accused created a forged power deed and that the petitioner and the sixth accused are the witnesses, who signed in the said forged document. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the accused 1 and 2 were already released on bail by the Principal Sessions Court, Madurai, in Crl.M.P.Nos.1415 & 1393 of 2022 dated 24.03.2022.

4.The learned Additional Public Prosecutor would submit that the petitioner/third accused is the signed witness in the forged document.

5.Considering the above facts and also the nature of the charges levelled against the petitioner and also the facts that the petitioner is in judicial custody from 07.03.2022, that the co-accused 1 and 2 were already released on bail and that the petitioner is not having any previous cases for similar offence or serious offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned Special Judicial Magistrate, Special Court for Exclusive Trial of Land Grabbing Cases, Madurai.

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

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)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]***.

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

04/04/2022

/ TRUE COPY /

/ /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 JUDGE,
SPECIAL JUDICIAL MAGISTRATE, SPECIAL COURT
FOR EXCLUSIVE TRIAL OF LAND GRABBING CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH,
(ANTI LAND GRABBING SPECIAL CELL),
MADURAI CITY.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.P.KALAIYARASI BHARATHI, Advocate (SR-2909[I] dated 04/04/2022)

ORDER

IN

CRL OP(MD) No.6126 of 2022

Date :04/04/2022

CSM

MK/VR/SAR.IV/04.04.2022/3P/6C