



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2022

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.8357 of 2022

1.Muthu

2.Durkeshwaran

... Petitioner/Accused No.1&5

Vs

State Rep.by

The Inspector of Police,
District Crime Branch (DCB),
Madurai District.

(Crime No.4 of 2021)

... Respondent/Complainant

For Petitioners : M/s.Ramsundarvijayraj S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

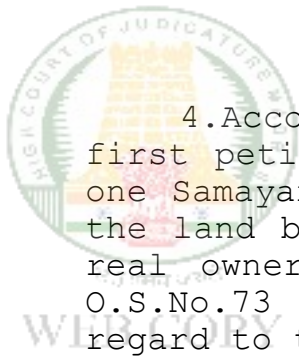
For Anticipatory Bail in Crime No.4 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120B, 420, 465, 466, 467, 468, 471, 294(b) and 506(ii) IPC in Crime No.4 of 2021, on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that when the defacto complainant is in possession and enjoyment of the ancestral property, the first petitioner asked pathway and the same was objected by the defacto complainant. Therefore, the first petitioner along with other accused created a forged sale deed taking advantage of the similarity of the name of one Samayan.



4. According to the learned counsel for the petitioners, the first petitioner purchased the subject land from the legal heir of one Samayan. But the defacto complainant made false allegation that the land belong to one Samayan and others. The petitioners are the real owners of the property and they have also filed a suit in O.S.No.73 of 2020 before the District Munsif Court, Peraiyur with regard to this issue.

5. According to the learned Additional Public Prosecutor, Samayan died in the year 2018 and these petitioners taking advantage of the similarity of his name has created a forged deed. He further submits that investigation in this case has been completed.

6. Considering the issue involved in this matter and also the submission made on behalf of the petitioners that a civil suit is pending before the District Munsif Court, Peraiyur and also considering the submission of the learned Additional Public Prosecutor that investigation has been almost completed, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this criminal original petition is allowed and 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 Special Court to deal with the cases of Land Grabbing Cases, Madurai, 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 Judge 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police once in a week, until further orders.

[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 abscond, a fresh FIR registered under Section 229-A IPC.

sd/-
27/07/2022

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/08/2022

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

TO

- 1 THE JUDGE,
SPECIAL COURT TO DEAL WITH THE CASES OF LAND GRABBING CASES,
MADURAI.
- 2 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE DISTRICT MUNSIF,
PERAIYUR.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-7718[I] dated
27/07/2022)

ORDER
IN
CRL OP(MD) No.8357 of 2022
Date :27/07/2022

RS/PN/SAR.2 (29.07.2022) 3P-6C