



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/05/2022

WEB COPY

PRESENT

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI

CRL OP(MD). No.9205 of 2022

Thangadurai

... Petitioner/Accused No.1

Vs

State Rep by
The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Special Cell,
Thoothukudi,
Thoothukudi District.
(Crime No.7 of 2022)

... Respondent/Complainant

For Petitioner : Mr.S.Vinayak
Advocate.

For Respondent : Mr.M.Sakthikumar,
Government Advocate (Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 120(B), 419, 465, 468, 471 and 420 IPC, in Crime No.7 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that with regard to the property belonging to the defacto complainant, the petitioner, by using the similarity in the name of the vendors of the defacto complainant's father, created forged documents and executed a forged sale in favour of one Ponraj, vide Document No.940/2010. The other accused persons attested the said document as witnesses.

3. The learned counsel appearing for the petitioner submits that the petitioner executed a sale deed with regard to the property



in dispute in the year 2010. Now, he has been falsely implicated in this case. Since the petitioner is now aged about 71 years, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) opposed for grant of anticipatory bail on the ground that the petitioner, by fabricating the revenue records, transferred the property without title.

5. Considering the facts and circumstances of the case and since the petitioner is now aged about 71 years, there is no possibility of tampering with evidence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, (ALGSC), Thoothukudi, on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions that:

[a] the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

sd/-
18/05/2022

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

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TO

1. The Judicial Magistrate, (ALGSC), Thoothukudi.

2. Do Through The Chief Judicial Magistrate,
Thoothukudi.

3. The Inspector of Police,
District Crime Branch,
Anti Land Grabbing Special Cell,
Thoothukudi,
Thoothukudi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.VINAYAK, Advocate (SR-4749[I] dated 19/05/2022)

ORDERIN
CRL OP(MD) No.9205 of 2022
Date : 18/05/2022

TR/PN/SAR-IV(23.05.2022) 3P 6C