



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.9987 of 2022

Latha

... Petitioner/Accused No.4

Vs

State through
The Sub-Inspector of Police,
District Crime Branch,
(Anti Land Grabbing Special Cell),
Thoothukudi,
Thoothukudi District.
(Crime.No.15/2022).

... Respondent/Complainant

For Petitioner : Mr.Jothi Basu, M. Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

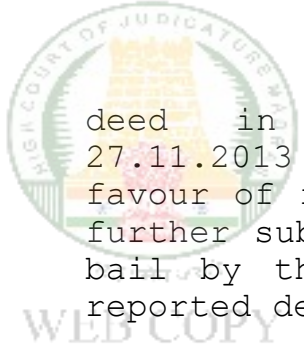
For Anticipatory Bail in Crime No.15 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends 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.15 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused impersonated one Poongothai and executed a registered sale deed in favour of one Paramasivan/A2 and thereby, cheated the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the first accused has allegedly executed a sale deed in favour of her son/A2, vide sale deed, dated 10.09.2013 and A2 has executed a sale



deed in favour of the petitioner / A4, vide sale deed, dated 27.11.2013 and that the petitioner/A4 has executed a sale deed in favour of fifth accused, vide sale deed, dated 31.01.2014. He would further submit that A2 and A3 were already arrested and released on bail by the learned Judicial Magistrate and that A1 was already reported dead.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that A5 to A7 are the subsequent purchasers and that the petitioner alone had received the amount through the sale deed dated 27.11.2013.

5.As rightly pointed out by the learned counsel for the petitioner, the above transactions involving by the petitioner were in the year 2013 and 2014 and that the main accused A2 and A3 were already arrested and released on bail and that the petitioner is not having any previous case, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate (Anti Land Grabbing Cases Special Court), 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with 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.R.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;



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

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Sd/-
17/06/2022

/ TRUE COPY /

/ /2022

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

DAS

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,
(ANTI LAND GRABBING CASES SPECIAL COURT),
THOOTHUKUDI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUB 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.G.M.LAW OFFICE, MR.JOTHI BASU.M, Advocate SR.No.5745

ORDER
IN
CRL OP(MD) No.9987 of 2022
Date :17/06/2022