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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.14211 of 2022

Mariselvam

... Petitioner/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
Tenkasi District
(Crime No.8 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Navaneetharaja.K, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

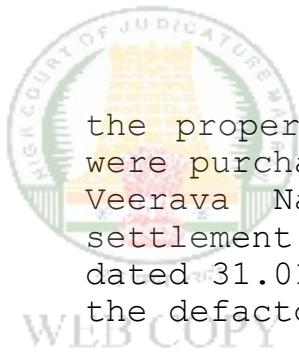
PRAYER :-

For Anticipatory Bail in Crime No.8 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420, 423, 465, 468, 471 and 120(B) of IPC, in Crime No.8 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that a property in Kampaneri Puthukudi Village was originally belonged to one Syed Sulaiman and he sold the property to an extent of 70 cents to one Subbaiya Nayakkar, out of which, the defacto complainant's mother purchased



the property to an extent of 35 cents and the remaining 55 cents were purchased by one Veerava Nayakar. After the demise of the said Veerava Nayakar, his grandson namely, Jeyapal had executed a settlement deed in favour of his sons vide Document No.425/2020, dated 31.01.2020, in which, he fraudulently included the property of the defacto complainant's mother. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that based on the confession statement of the co-accused, the petitioner has been falsely implicated in this case and the disputed settlement deed dated 31.01.2020 was cancelled. He would further submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner shall abide any condition imposed by this Court. Hence he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police strongly opposed for grant of anticipatory bail to the petitioner on the ground that the petitioner is the document writer and there is a specific overt act as against him. He would further submit that the disputed settlement deed dated 31.01.2020 was cancelled and first and second accused were already arrested and thereafter, released on bail and no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the charges levelled against the petitioner and also the facts that the co-accused were released on bail and the petitioner is not having any bad antecedents, 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 Special Judge for Lab Grabbing Cases, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 respondent police daily at 10.30 a.m., until further orders;

[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]**.

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

Sd/-
13/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

TO

1. THE SPECIAL JUDGE FOR
LAB GRABBING CASES, TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
TENKASI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.NAVANEETHARAJA K Advocate SR.No.11344

ORDER
IN
CRL OP(MD) No.14211 of 2022
Date :13/10/2022