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

Date : 22/09/2022

PRESENT

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

CRL OP(MD). No.16125 of 2022

1. Murugesan,

2. M.Selvi, ... Petitioners/Accused Nos.5 & 7

Vs

State Rep by
The Inspector of Police,
DCB Police Station, Special Land
Grabbing Cell, Dindigul District.
(Crime No.16/2020). ... Respondent/Defacto Complainant

For Petitioner : M/s.Sharmila.B,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B, 294(b), 420, 467, 468 and 506(2) IPC, in Crime No.16 of 2020, seek anticipatory bail.

2. The case of the prosecution is that suppressing the death of the defacto complainant's father A1 executed a power of attorney in his favour and sold the property to A2 and subsequently A2 sold the property to A3 and A4, in turn, they have sold to A5 and A6. Hence the defacto complainant.

<https://www.hc.madras.gov.in/>



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that suppressing the death of the defacto complainant's father A1 has executed a power of attorney in his favour and sold the property property to other accused and the petitioners herein are bonafide purchasers. He would further submit that the investigation has completed and the charge sheet is filed in C.C.No.13 of 2022 before the court concerned.

5.Considering the facts and circumstances of the case and also considering the fact that investigation has been already been completed and charge sheet is also filed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for exclusive trial of Land Grabbing Cases, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only)each 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 petitioners 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 petitioners shall appear the trial Court on each and every hearing date without fail.

(c)the petitioners shall not tamper with 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]**; and;



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

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

TRP

TO

1. The Judge,
Special Court for Exclusive trial of Land Grabbing Cases,
Madurai.
2. The Inspector of Police,
DCB Police Station, Special Land
Grabbing Cell, Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+2 CC to M/s.M/S.SHARMILA.B, Advocate (SR-10406[I] dated 23/09/2022)

ORDER

IN

CRL OP(MD) No.16125 of 2022

Date : 22/09/2022

TR/GB/SAR-II(30.09.2022) 3P 6C