



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/09/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.16631 of 2022

Rahman @ Mohamed Athequr Rahman

... Petitioner/Accused No.4

Vs

The State rep.by,
The Inspector of Police,
Land Graphing Cell,
Thoothukudi District, Thoothukudi.
(In Crime No.28 of 2022)

... 1st Respondent/Complainant

For Petitioner : M/s.Balaji A, 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.28 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 465, 468, 471 and 420 of IPC, in Cr.No.28 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that the property in S.Nos.240/1, 240/2A, 250/1, 253/1B, 253/3B and 258/3 situated at Chennai and Thoothukudi originally belongs to his father-in-law, namely Aadhirama Krishnasamy. The aforesaid owner died on 06.05.2009. The aforesaid deceased had four children. By suppressing the fact that there are found legal heirs, one Jeyaraman and Jeyakumar claiming that they are the only legal heirs of the aforesaid deceased sold the property to the accused persons on 06.05.202 and 25.05.2022. The market value of the property is about Rs.75,00,000/-. So, according to him, it is a clear case of cheating. On that basis, the case has been registered.

3. The learned counsel for the petitioner would submit that due to enmity, a false case foisted against the petitioner and he is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused has already been acquitted and thereafter, released on bail.



4.The learned Government Advocate(Crl.Side) would submit that no previous case is pending against this petitioner.

5.Considering the facts and circumstances of the case and the grant of anticipatory bail to the co-accused by this Court, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Special Court for Land Grabbing Cases, Thoothukudi, 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 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 until further orders.

(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.K.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.

sd/-

16/09/2022

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



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,
SPECIAL COURT FOR LAND GRABBING CASES,
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
LAND GRAPING CELL,
THOOTHUKUDI DISTRICT THOOTHUKUDI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.BALAJI A, Advocate (SR-10193[I] dated 19/09/2022)

ORDER
IN
CRL OP(MD) No.16631 of 2022
Date :16/09/2022

TTA
MK/VR/SAR.II/22.09.2022/3P/6C