



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

Date : 15/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

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CRL OP(MD) . No.19651 of 2021

1. Rajarathinam,
2. Rajamanickam,
3. Rajeshwari,
4. Inbaraj,
5. Sundaramoorthy,
6. Soundara Raj,
7. Rajalakshmi,
8. Kanagaraaj,
9. Koothan,
10. Baskaran,
11. Chellakutti,

... Petitioners/Accused Rank Not Known

Vs

The Inspector of Police,
Anti Land Grabbing Cell,
Dindigul @ Dindigul District.
(*) (Crime No. 40 of 2021)

... Respondents/Complainants

K.Pandi

... Petitioner/Intervener/
Defacto Complainant
In Cr1.MP(MD).2343/2022
in Cr1.OP(MD).19651/2021

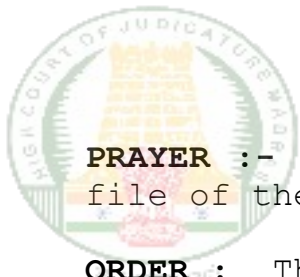
For Petitioners : M/s. Sathish Babu.N,
Advocate.

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

For Intervenor : M/s.P.Karthick, Advocate

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

<https://www.mhc.tn.gov.in/judis>



PRAYER :- For Anticipatory Bail in (*)Crime No.40 of 2021 on the file of the Respondent Police.

ORDER :- The Court made the following order :-

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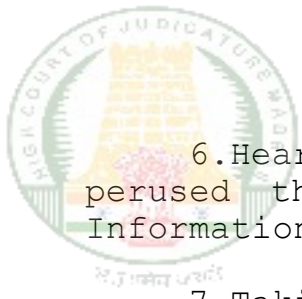
The petitioners/Accuse who apprehend arrest at the hands of the respondent police for the offences punishable under Sections (**)120(B), 464, 465, 467, 470, 471 and 420 of IPC @ 120(B), 420, 465, 467, 468, 147, 294(b), 323, 506(i) of IPC in (*)Crime No.40 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the accused persons based on the fabricated settlement had grabbed the properties belonging to the defacto complainant in S.No.426/13B, Silukkuvarpatti Village, Nilakottai Taluk, Dindigul District. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the property is their ancestral property and they have been using it for a long time, whereas the defacto complainant had created fabricated settlement deed and based on that he has filed a false complaint. He would further submit that since the defacto complainant intervened in the possession of the property, the petitioners have filed a suit in O.S. No.702 of 2021 on the file of the Principal Sub Court, Dindigul seeking declaration and permanent injunction and only after receipt of same, he has preferred complaint before the Court and it was referred for registration of case under Section 156 (3) of Cr.P.C. He would further submit that the civil dispute has been given a criminal colour. He would further submit that the 1st petitioner is ready to file an undertaking that the property will not be disposed till the disposal of the suit. Hence he prays anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.side) would submit that the petitioners claim title by inheritance. The father of the defacto complainant was given assignment patta and his father had executed settlement deed in favour of the defacto complainant. The petitioners and the defacto complainant are relatives and suit is pending between them and the case has been registered based on the direction of the Court under Section 156(3) of Cr.P.C. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. The learned counsel for the intervenor/defacto complainant would submit that the defacto complainant owned the property by virtue of settlement deed executed by his father



6. Heard the learned counsel appearing on either side and perused the materials available on record including the First Information Report.

7. Taking into consideration the facts and circumstances of the case and the submissions made, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.II, Dindigul** on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] at the time of executing sureties, the first petitioner shall file an undertaking before the trial court undertaking that he will not dispose/encumber the property till the suit in O.S. No.702 of 2021 on the file of the Principal Sub Court, Dindigul is disposed. After the undertaking filed by the first petitioner the learned trial Judge shall accept the sureties furnished by the petitioners.

[b] 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.

[c] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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]**.



[g] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-

15/12/2022

(*) (**) Amended as per order of this Hon'ble Court dated 22.02.2022 in Crl.MP(MD).No.11997/2021 in Crl.OP(MD).No.19651/2021 by KMSJ.

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/12/2022

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

TO

- 1 THE PRINCIPAL SUBORDINATE JUDGE, DINDIGUL
- 2 THE JUDICIAL MAGISTRATE NO.II,
DINDIGUL.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 4 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING CELL,
DINDIGUL @ DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. SATHISH BABU.N Advocate SR.No.62640 (F)
Date:16/12/2022.

ORDER

IN

CRL OP(MD) No.19651 of 2021
Date :15/12/2022

AAV

SA/SSS/SAR.3/23.12.2022/4P/7C