



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2022
PRESENT

WEB COPY

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

CRL OP(MD). No.18711 of 2022

Maragathavalli

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Land Grabbing Special Wing (DCB),
Pudukkottai District.
(Crime No. 6 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Narayanan V, Advocate

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

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

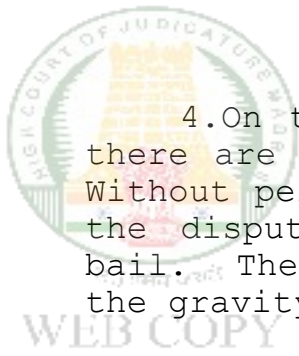
PRAYER :- For Anticipatory Bail in Crime No. 6 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(b), 420, 467, 468, 471 IPC, in Crime No.6 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that in order to grab the property, which belongs to the defacto complainant, the accused persons were fraudulently created forged documents to the property and changed patta in their favour. Hence, the complaint.

3.On the side of the petitioner, it is stated that a false case was foisted against the petitioner. This petitioner is arrayed as A12. She is a retired Tahsildar. Knowing about the forgery, she cancelled the forged document and also restored the patta in the name of the defacto complainant. Based on the above facts, A2, A3, A4 were already enlarged on bail and A5, A7 were already enlarged on anticipatory bail, by the lower Court. Hence, prays to release her on anticipatory bail.



4. On the side of prosecution, it is stated that in the case, there are totally 14 accused and the petitioner is arrayed as A12. Without perusing the documents, this petitioner had issued patta to the disputed property. The co-accused were already enlarged on bail. The petitioner is not having any bad antecedent. Considering the gravity of the offence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case, nature of the offence, that the co-accused were already enlarged on bail by the lower Court and that the petitioner is not having any antecedent at her credit, this Court is inclined to grant anticipatory bail to the petitioner.

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 Judicial Magistrate No.II, Pudukottai, 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 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 be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

27/10/2022

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/10/2022

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



TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
LAND GRABBING SPECIAL WING (DCB),
PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.18711 of 2022
Date :27/10/2022

PNM

SA/SBN/SAR.4/04.11.2022/3P/5C