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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD). No.18736 of 2022

S.A.Anbudhasan,

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Anti Land Grabbing Special Cell,
Ramanathapuram District
(Crime No. 12 of 2022).

... Respondent/Complainant

For Petitioner : Mr.R.Anand,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.12 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420 r/w 120(B) IPC, in Cr.No.12 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's grandfather Nambu Pitchai and his brother Nambu Rajan had executed a power of attorney in favour of one Thamaraiselvi. On 28.12.2010, the said Nambu Pitchai has passed away. Suppressing the same, on 23.06.2016, the said power agent with the help of one Muniyasamy, who is the brother of the defacto complainant's father, executed a sale deed in favour of the present petitioner by using bogus life certificate in the name of the de-facto complainant's grandfather, Nambu Pitchai. Hence, the complaint.

<https://www.mhcoj.in/>



3.The learned counsel for the petitioner would submit that the petitioner being a purchaser of the property, is no way connected with the alleged preparation of the life certificate. The de-facto complainant by way of making such so called claim virtually wants to grab the property from the petitioner. The petitioner is innocent and he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that totally seven accused in this case and the petitioner is arrayed as A2 and he is a purchaser of the property. A1 is a power of attorney. A3 is a witness. A4 is the de-facto complainant's grandfather's brother's son. A5 is a document writer. A6 is a witness deed and A7 is a Doctor and he issued bogus life certificate in the name of the de-facto complainant's grandfather, Nambu Pitchai. He would further submit that the investigation in this case is not yet completed and hence, he prayed for dismissal of this petition.

5.Considering the submissions made by the learned counsel on either side and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners 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 learned Judicial Magistrate, Special Court for Land Grabbing Cases, Ramanathapuram, 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 deposit the alleged sale deed involved in this case to the credit of Crime No.12 of 2022 before the learned Judicial Magistrate, Special Court for Land Grabbing Cases, Ramanathapuram, without prejudice to his rights and contentions before the trial Court, while executing sureties.

(c)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(d)the petitioner shall not tamper with evidence or witness
<https://www.crl.gov.in/> during investigation or trial;



(e) the petitioner 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 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;

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

sd/-
28/10/2022

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/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

+1 CC to M/s.R.ANAND, Advocate (SR-12148[I] dated 31/10/2022)

ORDER
IN
CRL OP(MD) No.18736 of 2022
Date :28/10/2022

sj i
PKP/VR/SAR-4/08.11.2022/3P/6C