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CRL OP(MD).N



22

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

Date : 17/11/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD).No.19751 of 2022

1.Jalaludeen

2.Abdul Jabbar

... Petitioners/Accused No.6 & 7

Vs

The State represented by
The Inspector of Police,
Central Crime Branch,
Trichy City.

(Crime No.30 of 2022)

... Respondent/Complainant

For Petitioners: Mr.R.Alagumani
Advocate.

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

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

PRAYER :-

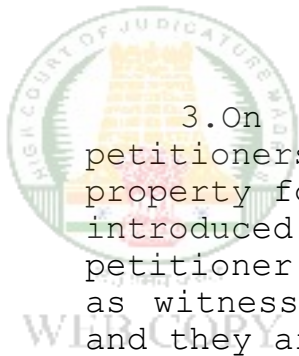
For Anticipatory Bail in Crime No.30 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A6 & A7, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 419, 420, 467, 468 and 471 of IPC, in Cr.No.30 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the second wife of one Dharmaraj. The said Dharmaraj got divorce from the first accused. On 19.01.2021, the said Dharmaraj passed away at England. Thereafter, the de-facto complainant came to know that the property comprised in S.No.323/1C, which belongs to her husband, was sold out by the first accused with the help of this petitioner and other accused. Hence, the above case has been maintained against the petitioners.

<https://www.mca21.com>



3. On the side of the petitioners, it is stated that the petitioners are innocent purchasers. They have purchased the property for valuable constructions. It was the A1, who brought A2 and introduced him as her husband. Believing her words, the first petitioner purchased the property and the second petitioner signed as witness in the document. They are also treated only as victims and they are in no way connected with the alleged offence and they have been falsely implicated in this case and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that totally eight accused involved in the offence. The de-facto complainant is the second wife of the deceased Dharmaraj. A1 is the first wife of the said Dharmaraj. A6 is the subsequent purchaser and A7 is witnessed to the document. After the death of the said Dharmaraj, A2 personated as Dharmaraj with the help of other accused and sold out the property to A5 & A6 and prayed the petition to be dismissed.

5. Considering the fact that the cost paid by the petitioners and considering the allegation levelled against the petitioners and considering the fact that though the earlier petition was dismissed by this Court on 13.09.2022, the respondent has not taken any steps against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, this petition is allowed and 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 Land Grabbing Special Court, Contonment, Trichy, 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 a.m., for a period of two weeks and thereafter 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 were imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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/-

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

TO

- 1 THE JUDGE,
LAND GRABBING SPECIAL COURT, CANTONMENT,
TRICHY.
- 2 THE INSPECTOR OF POLICE
CENTRAL CRIME BRANCH, TRICHY CITY,
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ALAGUMANI R Advocate SR.No.13227

ORDER

IN

CRL OP(MD) No.19751 of 2022

Date :17/11/2022

SS/SSS/SAR III/23.11.2022/ 3P/ 5C