



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

Date : 28/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.20516 of 2022

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Aathimoolam

... Petitioner/Accused No.3

Vs

The State Rep.by

The Inspector of Police,

Anti Land Grabbing Special Cell,

Ramanathapuram ,

Ramanathapuram District (Crime No.12 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sethuraman R,
Advocate.

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

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

PRAYER :-

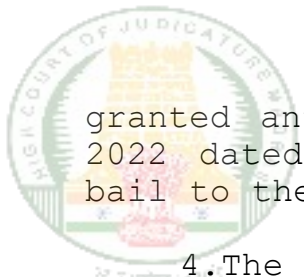
For Anticipatory Bail in Crime No.12 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehend arrest at the hands of the
respondent police for the offence punishable under Section 465, 468,
471, 420 r/w 120(B) IPC, in Crime 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 A2, namely, Anbuthasan by using bogus life
certificate in the name of the defacto complainant's grandfather,
Nambu Pitchai. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is innocent and he has been falsely implicated in this
case. This is the second anticipatory bail application. Earlier
application filed by the petitioner, in Crl.OP(MD)No.17322 of 2022
was dismissed by this Court on 26.10.2022. The petitioner only acted
as a witness. Except that, no other allegation has been made against
the petitioner. He would further submit that the co-accused was



granted anticipatory bail by this Court, in Crl.OP(MD)No. of 2022 dated 28.10.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that totally seven accused are involved in this case and the petitioner is arrayed as A3 and he is a witness. A1 is a power of attorney. A2 is the purchaser of property. A4 is the de-facto complainant's grandfather's brother's son. A5 is a document writer. A6 is a witness 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 A2 was already granted anticipatory bail by this Court and 3 witnesses have been examined in this case. However, 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 facts that the co-accused was already granted anticipatory bail by this Court and 3 witnesses have been examined in this case, 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:

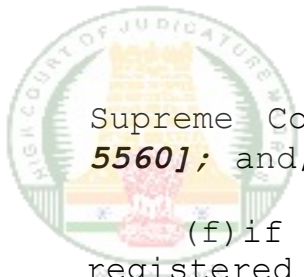
(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall 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 Magistrate/Trial Court himself as laid down by the Hon'ble



Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) 5560J]**; and;

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

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/12/2022

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

DSS

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,
Ramanathapuram, Ramanathapuram District..
 2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
 3. The Inspector of Police,
Anti Land Grabbing Special Cell,
Ramanathapuram ,
Ramanathapuram District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.SETHURAMAN, Advocate (SR-13949[I] dated 29/11/2022)

ORDER
IN
CRL OP(MD) No.20516 of 2022
Date :28/11/2022

RD/BUC/SAR-II (07/12/2022) 3P 6C