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CRL OP(MD). A



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/11/2022

PRESENT

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

CRL OP(MD). No.20911 of 2022

Krishnamoorthi

... Petitioners/Accused No.1

Vs

State Rep.by
The Inspector of Police,
DCB Police Station,
Thoothukudi District.
(Crime No.46 of 2022).

... Respondent/Complainant

For Petitioner : M/s.S.Meena, 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.46 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120B, 465, 468, 471 and 420 of Indian Penal Code, 1980, in Cr.No.46 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused by creating forged document sold the Government Natham Poromboke land to the defacto complainant. After knowing the entire facts, the defacto complainant questioned the same to the petitioner and asked to return the sale consideration amount, but the petitioner refused to return the said amount and threatened the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is the bonafide purchaser of the above said property and purchased the same for a valuable consideration on 13.11.2013 by a

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



registered sale deed in document No.4090 and the land in document No.95/9C is nowhere shown as Government Poramboke land.

4.The learned Government Advocate (Crl. side) would submit that the defacto complainant purchased the land from the petitioner for a sale consideration of Rs.6,00,000/- and the petitioner executed the sale deed in document No.1288 of 2019. Thereafter, the defacto complainant and her husband in order to build a house, they approached VAO, at that time, the defacto complainant came to know that the patta provided by the accused during the sale was forged document and the land belongs to Government Natham Poramboke. He would further submit that A2 has already been arrested and thereafter released on bail and also would submit that five witnesses have been examined so far. He would further submit that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case, considering fact that the petitioner is not having any bad antecedents, five witnesses have been examined sofar and the grant of bail to the co-accused, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.75,000/- (Rupees Seventy Five Thousand only) to the credit of Crime No.46 of 2022 before the Special Court for Land Grabbing Cases, Thoothukudi, without prejudice to his rights and contentions before the trial Court and produce the receipt before the trial Court.

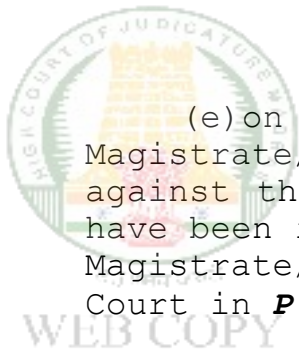
7.On production of such receipt, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for Land Grabbing Cases, Thoothukudi, on condition that the petitioner 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 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

25/11/2022

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/12/2022

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

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 JUDGE, SPECIAL COURT FOR LAND GRABBING CASES, THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE, DCB POLICE STATION, THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20911 of 2022

Date : 25/11/2022

TTA

RS/VR/SAR.3 (09.12.2022) 3P-4C