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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.21373 of 2022

Sathish Kumar

... Petitioner/Accused No.6

Vs

The State rep.by,
The Inspector of Police,
District Crime Branch,
(Anti Land Grabbing Special Cell),
Madurai,
Madurai District
(Crime No.10 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Senguttuarasan P,
Advocate.

For Respondent : M/S.K.Sanjai Gandhi
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent Police for the offences punishable under Sections 120(b),
419, 420, 465, 468 and 471 IPC in Crime No.10 of 2022 on the file of
the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto
complainant's father has purchased the property situated in
Usilampatti Village in S.No.209/2 by a registered document bearing
No.1384 /1983 and he was issued with joint patta in Patta No.2653
by the revenue authorities and the defacto complainant was in
possession of the property. While so, the first accused by
impersonation and fabrication of documents had settled the property
in favour of A2 and that the other accused have helped him. Hence,

one complainant.



3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that petitioner herein is one of the attesting witnesses and the petitioner is not a beneficiary in the transaction. He further contended that the co-accused have already been arrested and released on bail and thereby, seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the A1 along with other accused on impersonation and fabrication of the documents had settled the property in favour of his son and in that settlement deed petitioner herein has signed as attesting witnesses. He would further submit that the investigation of the case is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that A1 has already been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, 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 on which the order copy made ready, before the Special Court for Anti Land Grabbing Special Cell, Madurai, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties (one should be father or mother of the petitioner) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 appear 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



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
07/12/2022

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

trp

TO

1. THE JUDGE, SPECIAL COURT FOR ANTI LAND GRABBING SPECIAL CELL,
MADURAI, MADURAI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
(ANTI LAND GRABBING SPECIAL CELL),
MADURAI,
MADURAI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SENGUTTUARASAN, Advocate (SR-14578[I] dated
09/12/2022)

ORDER
IN
CRL OP(MD) No.21373 of 2022
Date :07/12/2022

RK/BUC/SAR- 3(28/12/2022) 3P/5C