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

Date : 06/12/2022

PRESENT

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

CRL OP(MD) . No.21555 of 2022

1. Murugesan
2. Panjavarnam
3. Ganesan
4. Amaravathi

... Petitioners/Accused 1 to 4

Vs

State rep.by
The Inspector of Police,
District Crime Branch (ALGSC),
Dindigul District
(Crime No.35 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Venkatesh D, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

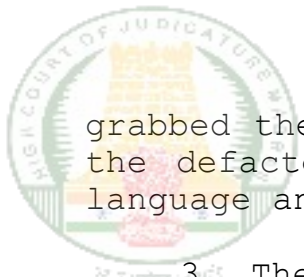
PRAYER :-

For Anticipatory Bail in Crime No.35 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A1 to A4 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120 (B), 294(b), 406, 420, 465, 468 and 506(1) of IPC in Crime No.35 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the accused persons who are his brother and sister-in-law in order to grab the family properties have fabricated documents and



grabbed the family properties of the defacto complainant and when the defacto complainant questioned them they abused him in filthy language and also criminally intimidated him. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the first and third accused are brothers of the defacto complainant and the second petitioner is the wife of the first petitioner and the fourth petitioner is the wife of the third petitioner. He would further submit that the mother of the first and third petitioners had settled the properties in favour of the petitioners, whereas he had given false complaint as if the petitioners have fabricated documents. Hence he prays anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.side) would submit that the petitioners 1 and 2 are the siblings. The petitioner have fabricated documents and grabbed the properties and when it was questioned by the defacto complainant they abused them. Hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials available on record including the First Information Report.

6. Taking into consideration the facts and circumstances of the case and the submissions made, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate, Special Court for anti land grabbing cases, Madurai**, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter on every Saturday at 10.30 until further orders

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

Sd/-

06/12/2022

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/12/2022

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

AAV

TO

1. THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR ANTI LAND GRABBING CASES,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH (ALGSC),
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.VENKATESH D Advocate SR.No.14426

ORDER

IN

CRL OP (MD) No.21555 of 2022

Date :06/12/2022