



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/12/2022

PRESENT

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

CRL OP(MD) . No.21801 of 2022

1. Sundararasu
2. Kali Selvi

... Petitioners/Accused
Nos.7 & 8

Vs

State rep.by
The Inspector of Police,
District Crime Branch,
(Anti Land Grabbing Special Cell),
Tenkasi.
(Crime No.12/2022).

... Respondent/Complainant

For Petitioners : M/s. Vinayagam.K, Advocate.

For Respondent : Mr.A. Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 420, 465, 467, 468, 471 and 109 IPC in Crime No.12 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the De-facto Complainant viz., Ramachandran, S/o. Sivasubramanian is that her grand mother Madathi Ammal has executed a settlement deed in favour of his father viz., Sivasubramania Thevar and pursuant to the same, after the demise of his father he became a owner of the property. But, A1 -



Shanmugathaiammal, who is the daughter of the said Madathiammal by fabrication of documents has settled the property to her children and grand children and hence, the complaint.

3. The learned Counsel for the Petitioners would submit that originally by settlement deed was executed in favour of Shanmugathaiammal on 03.03.1959 and based on that she had executed a settlement deed in favour of her legal heirs and that the petitioners herein are beneficiaries in the said transaction. However, without her knowledge the said Madathiammal had cancelled the settlement deed executed in favour of Shanmugathaiammal. He would further submit that the petitioners are in no way connected with fabrication of documents and thereby, seeks anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that the petitioners are legal heirs of Shanmugathaiammal and the said Shanmugathaiammal suppressing the cancellation of earlier document dated 03.03.1959, had settled the properties in favour of petitioners and other accused and hence, he opposes to grant anticipatory bail to the petitioners.

5. Heard the learned counsels and perused the materials on record. Taking into consideration the facts and circumstances of the case and that the petitioners herein are subsequent beneficiaries, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Special Court for land Grabbing Cases, Tirunelveli on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten 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:

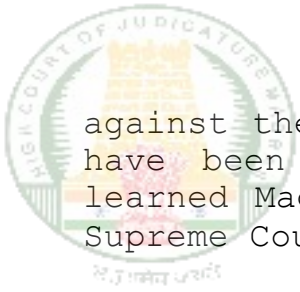
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am 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/-
14/12/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

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

+1. CC to M/S. VINAYAGAM.K Advocate SR.No.15012

ORDER
IN
CRL OP(MD) No.21801 of 2022
Date :14/12/2022

SP/SSS/SAR I/23/12/2022/3P/5C