



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2023

PRESENT

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**CRL.O.P (MD)No.378 of 2023

WEB COPY

N.Geetha Devi

...Petitioner

-vs-

The State represented by
The Inspector of Police,
Anti Land Grabbing Special Cell (CCB),
Madurai City.
(in Cr.No.45 of 2022)

...Respondent/ Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.45 of 2022.

For Petitioner
For Respondent

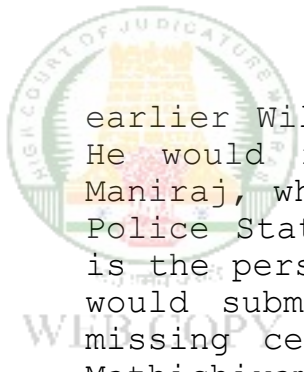
: Mr.V.Balaji, Advocate
: Mr.P.Kottai Chamy
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 465, 466, 467, 468, 471 and 474 of IPC in Crime No.45 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that a house measuring 4 cents 416 sq.ft., in Vasantha Nagar, Madurai, belongs to the grandmother of the de-facto complainant. She had earlier executed a Will in favour of her grandchildren by a document, dated 17.06.2021. The further allegation is that her grandmother had fallen down and sustained injuries and that taking advantage of her old age, the accused, based on the fabricated documents including a missing certificate, had taken her grandmother to the Sub Registrar Officer and got a settlement deed registered in their favour. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and she was falsely implicated in this case based on the confession of the arrested accused. He would also submit that the arrested accused had stated that the petitioner, being an Inspector of Police, had given a fabricated missing certificate, based on which, the accused had later cancelled the



earlier Will and got a settlement deed registered in their name. He would further submit that even as per the statement of one Maniraj, who is a Special Sub Inspector of Police, in W-1 Thirunagar Police Station, he has been approached by the other accused and he is the person, who has issued the missing certificate to them and he would submit that by forging the signature of the petitioner, a missing certificate has been alleged to have been issued by the Mathichiyam Police Station and he would submit that the petitioner, at the relevant period, was working as Inspector in All Women Police Station, Thallakulam and she has no power to issue the same.

4.He would further submit that the accused Maniraj, against whom there are serious allegations, had been granted anticipatory bail by the lower Court. He would submit that the petitioner has now been suspended and she is also appearing for enquiry before her superior authorities. He would submit that the case of the prosecution is borne out by documents and the petitioner is ready to appear before the respondent for the purpose of investigation. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the petitioner, who is the Inspector of Police, had facilitated the other accused to get a missing certificate, based on which, a settlement deed was executed subsequently. He would submit that investigation is pending and he would object for anticipatory bail.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

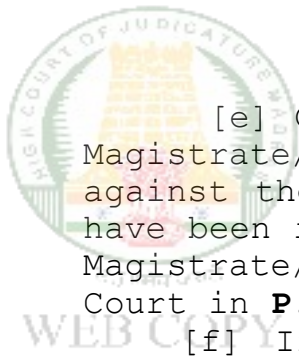
6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for Anti Land Grabbing Cases, Madurai, on condition that the petitioner shall execute 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 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 report before the respondent police everyday at 10.30 a.m., 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 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]**.

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

sd/-

24/01/2023

/ TRUE COPY /

/02/2023

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

cmr

To

1.The Special Court for Anti Land Grabbing Cases, Madurai.

2.The Inspector of Police,
Anti Land Grabbing Special Cell (CCB),
Madurai City.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.BALAJI V Advocate SR.No.3997(F)

ORDER

IN

CRL OP(MD) No.378 of 2023

Date :24/01/2023

RD/SSS/SAR-IV(02/02/2023) 3P 5C