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CRL OP(MD)



23

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

Date : 10/01/2023

PRESENT

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

CRL OP(MD). No.599 of 2023

S.Velavan

... Petitioner/Accused No.10

Vs

State Rep.by
The Inspector of Police,
City Crime Branch,
Tirunelveli City.
Crime No.17 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jegadeesha Pandian V.M, Advocate
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 465, 467, 471, 420, 120(B) I.P.C, in Crime No.17 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that her mother's properties were illegally transferred to the accused persons, after her death by fabrication of documents and life certificate. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is practicing Doctor in the Tirunelveli Government Medical College Hospital and arrayed as A10 in this case. He has been falsely implicated in this case. The defacto complainant's mother had passed away on 02.04.2021. During the month of March



2021, her mother was brought to the hospital and after seeing her only, he issued Life Certificate to her. Based on the Life Certificate, the other accused persons have illegally transferred the properties, which stood in her name. The petitioner is neither a beneficiary nor a purchaser of any of the disputed property. The petitioner has issued the Life Certificate to the mother of the defacto complainant, only when she was alive. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the accused persons have colluded together and illegally transferred the properties belonging to the defacto complainant's mother to their favour. In this case, investigation is not yet completed. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the overt act attributed as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Special Court for Land Grabbing Cases, Tirunelveli**, 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., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with the 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 [(2022) 13 SCW 5560]**; and;

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

sd/-

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

PNM

TO

1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR LAND GRABBING CASES, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
CITY CRIME BRANCH, TIRUNELVELI CITY, TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.JEGADEESHA PANDIAN V.M, Advocate (SR-559[I] dated 11/01/2023)

ORDER

IN

CRL OP(MD) No.599 of 2023

Date :10/01/2023

RS/VR/SAR.1(24.01.2023) 3P-6C