



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

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CRL.O.P(MD)No.1162 of 2023

1.Shanmugathai

2.Mallika

...Petitioners/Accused Nos. 2 & 4

-vs-

The State represented by
The Inspector of Police,
District Crime Branch,
Tenkasi District, Tenkasi.
(Cr.No.12 of 2022)

...Respondent/Complainant

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

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.12 of 2022 on the file of the respondent Police.

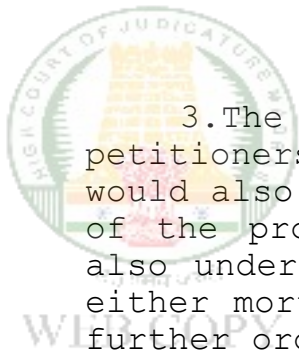
For Petitioners : Mr.A.Arputharaj, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

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 of 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, Ramachandran, is that his grandmother, 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 an owner of the property. But, Al-Shanmugathaiammal, who is the daughter of the said Madathi Ammal, on 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 the petitioners are innocents and a false complaint has been given. He would also submit that the petitioners are the subsequent purchasers of the property and he would further submit that the petitioners also undertake that they will not further encumber the property by either mortgaging or selling the property to any other person until further orders.

4.The learned Government Advocate (crl.side) would submit that the petitioners are the subsequent purchasers of the property and one Shamugathaiammal suppressing the cancellation of earlier document, dated 03.03.1959 had settled the properties in favour of her legal heirs. He would oppose for grant of anticipatory bail to the petitioners.

5.Heard the learned Counsel. 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 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 learned Special Judge 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 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.

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

CMR

TO

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

+1 CC to M/s.A.ARPUTHARAJA, Advocate (SR-1027[I] dated 24/01/2023)

ORDER
IN
CRL OP(MD) No.1162 of 2023
Date :23/01/2023

PKP/SSS/SAR-3/31.01.2023/3P/5C