



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.1516 of 2023

1.Gajendra Mala

(*) 2.Asthagiri

... Petitioners/Accused Nos. 1 & 2

Vs

State Rep.by
The Sub Inspector of Police,
Anti Land Grabbing Wing,
Ramanathapuram District.
(In Crime No.1 of 2023).

... Respondent/Complainant

For Petitioners : M/s.Sepana @ Sree.P, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.01 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 and A2 who apprehends arrest at the hands of the respondent police for the offences punishable under sections 465,468,471,420 of I.P.C., in Crime No. 1 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the father of the defacto complainant purchased a land in Natham Survey No.66/4A1A and after his demise the land was allotted to the defacto complainant and the defacto complainant had patta in his favour for 7 ¼ cents. The petitioners herein trespassed into lands of the defacto complainant and tried to encroach the same by putting up a hut on 23.12.2020, hence the case.



3. Heard. Perused the materials available on record : 19
the First Information Report.

4. It is seen that the first petitioner had purchased 12 cents of land comprised in Natham Survey No.66/4A1A by registered sale deed 302/2010. The father of the defacto complainant purchased adjacent land to the extent of 3 ¼ cents in the year 1987. Now the complaint is that the petitioners encroached portion of the land of the defacto complainant and constructed the house. The learned counsel for the petitioners submitted that now the encroached portion has been demolished and the entire allegations are civil in nature and the custodial interrogation of the petitioners may not be required, hence his court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. 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 Wing, Ramanathapuram, on condition that the petitioner shall execute a 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, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[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 FII registered under Section 229A IPC.

sd/-
07/03/2023

**(*)CORRECTED AS PER ORDER OF THIS
COURT DATED 27.03.2023 IN CRL OP(MD)
No.1516 of 2023**

/ TRUE COPY /

/04/2023

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

AAV

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 07.03.2023 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE,
SPECIAL COURT FOR ANTI LAND GRABBING WING,
RAMANATHAPURAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
ANTI LAND GRABBING WING,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SEPANA @ SREE, Advocate(SR-3525[I] dated 07/03/2023)

ORDER
IN
CRL OP(MD) No.1516 of 2023
Date :07/03/2023

PKP/ /SAR-1/14.03.2023/ **3P/6C**
RK/CG/SAR-3(11.04.2023) 3P/6C