



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2023

PRESENT

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

CRL.O.P(MD)No.2683 of 2023

WEB COPY

Kasimayan

...Petitioner/Accused Rank
Not Known

-vs-

1.The State represented by
The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Madurai District.

2.The Inspector of Police, DCB (ALGSC).
Madurai District.
(in Cr.No.24 of 2022)

...Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.24 of 2022.

For Petitioner
For Respondents

: Mr.M.Vivek Kumar
: Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 120(b), 418, 419, 420, 466, 468 and 471 of IPC in Crime No.24 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 her husband, Rajasekaran is the owner of the property in S.No.130/2B (130/12B and 120/2B) admeasuring 11 cents. The accused persons have sold the property to other accused persons, by way of impersonation, cheating and forgery. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and the petitioner has been falsely implicated in this case based on the confession recorded from A5. He would also submit that A5 has been granted anticipatory bail by this Court in Crl.O.P(MD)No.21700 of 2022, dated 08.12.2022. He would also submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would pray for anticipatory bail to the petitioner.

<https://www.mhc.tr4.gov.in> The learned Government Advocate (Crl.side) would submit that



the petitioner along with the other accused, conspired together and sold the property, which belongs to the de-facto complainant's husband, by way of impersonation. He would also submit that the petitioner is the person, who has impersonated and created fabricated documents and the investigation is pending and he would oppose for grant of 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 his 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 Land Grabbing, Madurai District, 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 four weeks and thereafter, every Saturday at 10.30 am 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 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 [(2005)AIR SCW 5560]**.

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

sd/-

10/02/2023

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/02/2023

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



TO

1. The Judicial Magistrate, Special Court for Land Grabbing,
Madurai District.
2. Do Through The Chief Judicial Magistrate,
Madurai District.
3. The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Madurai District.
4. The Inspector of Police, DCB (ALGSC).
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.VIVEK KUMAR.M Advocate SR.No. 2175(I)

ORDER

IN

CRL OP(MD) No.2683 of 2023

Date :10/02/2023

VA/BUC/SAR-1/22.02.2023/3P/6C