



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

Wednesday, the Fifteenth day of February Two Thousand and Twenty
Three

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PRESENT

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

CRL.O.P(MD)No.2943 of 2023

1.Jothi
2.Sasikala
3.Rajamani

...Petitioners/Accused Rank Not Known

-vs-

The State represented by
The Inspector of Police,
District Crime Branch,
Madurai District, Madurai.
(Cr.No.24 of 2022)

...Respondent/Complainant

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.24 of 2022 on the file of the respondent Police.

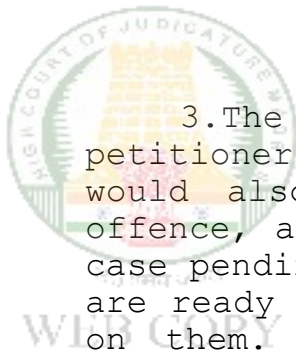
For Petitioners : Mr.S.Vikram

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 120B, 418, 419, 420, 466, 468 and 471 of IPC in Crime No.24 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the de-facto complainant's mother-in-law executed a partition deed in favour of the de-facto complainant's husband and his brother/A1. Thereafter, A1 and his family members created a forged document and sold their shares along with the de-facto complainant's husband's shares illegally with the support of the other accused. Hence, the case.



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 have not committed any offence, as alleged by the prosecution and do not have any previous case pending against them. He would also submit that the petitioners are ready to abide by any stringent conditions, that may be imposed on them. Hence, he would pray for anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the petitioners and other accused persons have sold the property of the de-facto complainant's husband illegally by creating forged documents. 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 Land Grabbing Court, Madurai, 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 Hon'ble



Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SC** .

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

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sd/-
15/02/2023

/ TRUE COPY /

/02/2023

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

CMR

TO

- 1.The Judge,
The Land Grabbing Court, Madurai.
- 2.The Inspector of Police,
District Crime Branch,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.2943 of 2023
Date :15/02/2023

NA/BUC/SAR-3/24.02.2023/3P/4C