



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2023

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PRESENT

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

CRL OP(MD) . No.3544 of 2023

1. Eswari Nagendiran
2. Logambal Moorthy
3. Rajambal Vishwanathan ... Petitioners/Accused No.5,7,&8

Vs

The Inspector of Police,
City Crime Branch,Trichy City.
(Crime No.1/2023)..

... Respondent/Complainant

For Petitioners : S.Ramsundarvijayraj,

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

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

PRAYER :-

For Anticipatory Bail in Crime No.1/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 and 120B of I.P.C., in Crime No.01 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Punitha B.A.B.L., Thakkar of Arulmigu Pidari Ayyanar Vagaiyra Thirukovil, K.Sathanur, Trichy, is that as per the resettlement register done in 1927, the lands in S.Nos.135/3A and 236 in Sathanur village were allotted to the temple and patta was also granted in favour of the temple. The further allegation is that the first accused who is a Poojari entered into a conspiracy with the other accused and they have transferred the patta in favour of



themselves and later, when the property was acquired by the National Highways Authority, the accused had received Rs.23,71,674/- from the Government and caused loss to the temple. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are the Hereditary Poojaris in the temple and all the revenue records and Adangals are in favour of the petitioners' father and from time memorial, the petitioners have been doing agricultural activities in the land to an extent of 4.38 acres in Old S.No.135/3 and New S.No.14/3. In the year 2014, the land acquisition process was taken by the National Highways Department and that time the petitioners have shown the patta in their favour and hence, the revenue authorities after due verification have handed over the compensation awarded under the Land Acquisition Act to them. He would further submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that now the petitioners have received the compensation and the present complaint has been given by the de-facto complainant, based on which, enquiry is being conducted by the Revenue Divisional Officer. The petitioners are similarly placed as that of accused A2, A6 and they were already enlarged on anticipatory bail, as per the order of this Court in Crl.OP(MD) No.2461 of 2023, dated 07.02.2023. Hence, prays to enlarge them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the petitioners who claimed to be the Hereditary Poojaris of the temple, have by fabrication of documents, have obtained the patta in their favour and that they have also received the compensation, which was due to the temple and thereby they have cheated the temple. Hence, he would object for grant of anticipatory bail.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and circumstances of the case and considering the fact that the co-accused were already enlarged on anticipatory bail, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.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 Court to try Land Grabbing Cases, Tiruchirappalli**, on condition that the petitioners 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 four weeks and thereafter, on every Saturday at 10.30 a.m., 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 Special Judge/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 Special Judge/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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

23/02/2023

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/03/2023

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

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TO

1. THE JUDGE,
SPECIAL COURT TO TRY LAND GRABBING CASES, TIRUCHIRAPPALLI.

2 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY CITY.

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

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-2771[I] dated
23/02/2023)

ORDER

IN

CRL OP(MD) No.3544 of 2023

Date :23/02/2023