



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

Date : 02/03/2023

WEB COPY

PRESENT

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

CRL OP(MD) . No.4062 of 2023

1. K.Udaiyar

2. A.Ganeshan

... Petitioners/Accused 3 & 4

Vs

The Inspector of Police,
District Crime Branch
(Anti Land Grabbing Cell),
Sivagangai,
Tamil Nadu -630 561
(Crime No.3 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Rajeshkumar R,
Advocate.

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

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

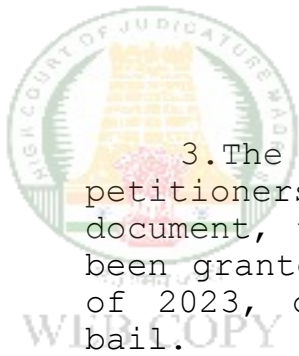
PRAYER :-

For Anticipatory Bail in Crime No.3 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 419 and 420 of I.P.C., in Crime No.3 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Sangan, is that he had purchased a property measuring 5 cents vide document No.962/1999 on 06.06.1999 and since he was employed abroad, he had entrusted the documents with A2. During the period between 22.09.2000 to 10.09.2001, the de-facto complainant was living abroad and taking advantage of the position, the accused, by impersonation, had fabricated the document and had transferred the property in his name through the document No.2174 of 2000. Hence, the case.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and other than signing as witnesses in the document, the petitioners have not committed any offence and A2 has been granted anticipatory bail by this Court in Crl.O.P.(MD)No.2128 of 2023, dated 02.02.2023. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that the de-facto complainant and his brother-in-law/A2 had entrusted the original document of the property and A2 had fabricated the same and by impersonation, had transferred the property in his favour and that the petitioners are signing as witnesses in the document. The investigation is pending. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

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, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

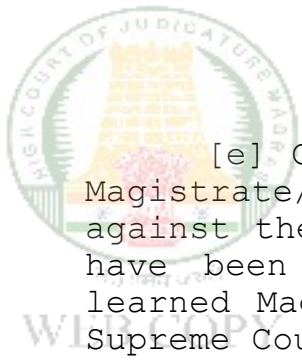
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Court for Anti Land Grabbing Cases, Ramanathapuram, on condition that the petitioner 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 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 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 FIR can be registered under Section 229A IPC.

sd/-

02/03/2023

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/03/2023

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

TO

- 1 THE JUDGE,
SPECIAL COURT FOR ANTI LAND GRABBING CASES,
RAMANATHAPURAM.
- 2 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH (ANTI LAND GRABBING CELL),
SIVAGANGAI, TAMIL NADU - 630 561
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.RAJESHKUMAR, Advocate (SR-3237[I] dated 02/03/2023)

ORDER

IN

CRL OP(MD) No.4062 of 2023

Date :02/03/2023

SS/RR/SAR II(09.03.2023) 3P 5C