



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

Date : 16.03.2023

PRESENT

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

CRL OP(MD).No.5004 of 2023

1.Vijayakumar

2.Saravanakumar

3.Muniyasamy

4.Karthirvel

5.Ramu

... Petitioners / Accused Nos.1 to 5

Vs.

The State represented through
The Inspector of Police,
Anti Land Grabbing Special Wing,
Ramanathapuram.
(Crime No.05 of 2023)

...Respondent / Complainant

For Petitioners : Mr.M.Kannan, 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.05 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 419, 465, 468, 471, 420 and 120(B) of IPC, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the property in G.R.Survey No.627/299 belongs to the defacto complainant and she had leased out the said property to the petitioners 1 to 3 for a period



of 5 years and after the expiry of the lease period, the accused have not vacated the property and the accused 1 to 3 have created a false sale agreement, dated 10.12.2021, in which the accused 4 and 5 have signed as witnesses and trying to grab the property. Hence, the complaint.

WEB COPY

3. Heard both sides and perused the materials available on record.

4. It is seen that the petitioners are the agreement holder from the defacto complainant in order to sale the defacto complainant's property. According to the petitioners, they had entered into an agreement for sale on 05.01.2015 and also paid a sum of Rs.2,00,000/- as advance. On the strength of the said agreement, the petitioners also filed a suit for specific performance in O.S.No.84 of 2022 and it is pending for trial on the file of the Principal District Court, Ramanathapuram. Now the defacto complainant lodged a complaint alleging that the agreement for sale, dated 05.01.2015 is fabricated one. Therefore, custodial interrogation of the petitioners does not require. Hence, this 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Special Court for Land Grabbing, Ramanathapuram, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 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 Magistrate/Trial Court himself as laid down by the Hon'ble



Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) 5560]; and;

(f)if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

sd/-
16/03/2023

/ TRUE COPY /

/03/2023

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

VSD

To.

1.The Judge,
Special Court for Land Grabbing,
Ramanathapuram.

2.The Inspector of Police,
Anti Land Grabbing Special Wing,
Ramanathapuram.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.M.KANNAN, Advocate (SR-4353[I] dated 16/03/2023)

ORDER
IN
CRL OP(MD) No.5004 of 2023
Date :16/03/2023

ED/SBN/SAR-1 (17/03/2023) 3P 5C