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CRL OP(MD).



23

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

Date : 29/03/2023

PRESENT

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

CRL OP(MD) . No.5833 of 2023

1. G.Muralitharan,

2. Jeyaseelan,

... Petitioners/Accused Nos. 4 & 6

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Sivangangai District.
Cr.No.30/2022.

... Respondent/Complainant

For Petitioner : M/s.Ohm Chairma Prabhu.A.P.G., Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

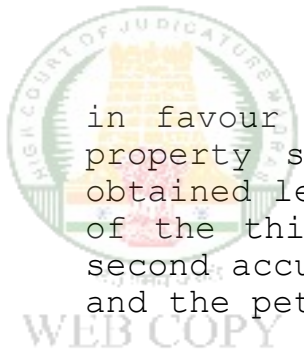
For Anticipatory Bail in Crime No.30/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A4 & A6, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468, 471, 420 and 120(B) of I.P.C., in Crime No.30 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The de-facto complainant is none other than the husband of the first accused. There was a family dispute between them and divorce petition also filed and obtained a decree of divorce. The first accused has also filed a maintenance petition in M.C.No.295 of 2019 in the same court. The same was allowed and a sum of Rs.30,000/- was awarded

<https://www.mca.gov.in>



in favour of her. While being so, the first accused sold the property stood in the name of her husband, as if, he died and obtained legal heirs certificate and sold out the property in favour of the third party. However, now the sale deed was cancelled. The second accused is none other than the mother of the first petitioner and the petitioners are maternal uncle of the first accused.

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

4.Taking into consideration of the facts and circumstances of the case and also the fact that A1 and A2 have already been granted anticipatory bail by this Court dated 14.03.2022 in Crl.O.P.(MD) No.22631 of 2022, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate cum Special Court for Land Grabbing Cases, 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 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 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 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/-
29/03/2023

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/04/2023

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

SJI
TO

- 1 THE JUDICIAL MAGISTRATE CUM
SPECIAL COURT FOR LAND GRABBING CASES,
RAMANATHAPURAM
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
DISTRICT CRIME BANCH ,
SIVANGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.KARTHIK, Advocate (SR-5168[I] dated 30/03/2023)

ORDER
IN
CRL OP(MD) No.5833 of 2023
Date :29/03/2023

PKP/BUC/SAR-3/18.04.2023/ **3P/6C**