



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31.03.2023

WEB COPY

PRESENT

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

CRL OP (MD) No.6124 of 2023

Y.Bhaskaran

... Petitioner/Accused No.2

Vs

State rep by
The Inspector of Police,
C.C.B Police Station,
Trichy City,
Crime No.47 of 2017

... Respondent/Complainant

For Petitioner : Mr.R.Murugan
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.47 of 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections (*) **465,467,468,471,109 & 466 of IPC** in Crime No.47 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 has executed a gift settlement deed in favour of his wife on 17.11.2015. On the strength of letter dated 23.05.2017 submitted by one T.Senthil Kumar and also on the strength of the letter dated 08.06.2017, the said settlement deed was registered vide DoC.No.193 of 2017, which was purported to have been registered based on the forged document in order to grab the government poramboke land. Hence, the case.



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

4. It is seen that the first accused had executed settlement deed, in respect of the subject property, which is classified as government poramboke, in favour of his wife. The said document was registered by the petitioner herein as Sub-Registrar vide document No.193 of 2017, even after receipt of the specific instruction not to register subject property, which is classified as government poramboke. That apart, the petitioner involved in another case and he is facing trial and also suspended from service and facing departmental proceedings. In the present case, the respondent police completed the investigation and filed final report, which was taken cognizance in **(*)C.C.No.6 of 2023** by the learned Special Judicial Magistrate, Special Court for Land Grabbing, Tiruchirappalli.

5. In view of the above facts and circumstances, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Special Judicial Magistrate, Special Court for Land Grabbing, Tiruchirappalli 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 petitioner shall report before the trial Court, on all working days at 10.30 A.M., and at 05.00 P.M., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned



Magistrate/Trial Court himself as laid down by the Hon'ble 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.

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sd/-

31/03/2023

(*)Amended as Per Order of this Court dated 26/04/2023 in Crl.MP(MD).6825/2023 in Crl.OP(MD).6124/2023 by GKIJ.

Further Two week time is granted to the petitioners to comply with the conditions imposed by thie Court from the date of receipt of a copy of this order as last chance.

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/05/2023

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

gns

TO

TO BE SUBSTITUED WITH THE ORDER DATED 31/03/2023 ALREADY DESPATCHED

- 1.The Special Judicial Magistrate,
Special Court for Land Grabbing,
Tiruchirappalli.
- 2.The Inspector of Police,
C.C.B Police Station, Trichy City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.MURUGAN, Advocate (SR-6596[I] dated 26/04/2023)

ORDER IN
CRL OP(MD)No.6124 of 2023
DATE :31.03.2023

NA/CG/SAR-2/17.04.2023/3P/5C
SJI
PKP/VS/SAR-3/09.05.2023/ 3P/5C