



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

Date : 06/04/2023

PRESENT

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

CRL OP(MD) . No.6213 of 2023

1. Sivasubramanian
2. Athavan @ Aathavan
3. Manonmani Thangam
@ Manomanithangam ... Petitioners / Accused No.1 to 3

Vs

State rep by
The Sub Inspector of Police,
DCB Police Station,
Kanyakumari District.
(Crime No.18/2023.)

... Respondent / Complainant

For Petitioners : M/s.Anto Prince, Advocate
for M/s.Jamzeer Ali.N, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 18/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 465,468,470 and 471 of IPC in Crime No. 18 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that A1 with an intention of usurping the defacto complainant's property had fraudulently mentioned the extent of properties as 27.50 cents (by including the property of the defacto complainant) in the name of A2 and A3 and tried to grab the properties, hence



the case.

3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioners are claiming title over the property to an extent of 22 cents by way of Will executed in favour of the first petitioner by his father. On the strength of the said Will the first petitioner had executed settlement deed in favour of the second and third petitioners who are none other than the son and sister, whereas the defacto complainant lodged complaint stating that he owned five cents in the subject property. Therefore both are claiming title by way of separate documents and as such the allegations are civil in nature and therefore custodial interrogation of the petitioners does not require in this case. 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:

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 Special Court for Land Grabbing Cases, Tirunelveli, 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].



WEB COPY

CRL OP(MD).



23

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/04/2023

/ TRUE COPY /

/04/2023

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

AAV

To

1.The Judge,
Special Court for Land Grabbing Cases,
Tirunelveli.

2.The Sub Inspector of Police,
DCB Police Station,
Kanyakumari District.

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

+1 CC to M/s.M/S.ANTO PRINCE G, Advocate (SR-5501[I] dated
06/04/2023)

ORDER
IN
CRL OP(MD) No.6213 of 2023
Date :06/04/2023

ED/BUC/SAR-4 (12/04/2023) 3P 5C