



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

Date : 08/03/2023

PRESENT

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

CRL OP(MD) . No.9198 of 2022

1. Ganagaraj

2. Selvaraj

... Petitioners / Accused No.1 & 2

Vs

The State rep by
The Inspector of Police,
District Crime Branch,
Trichy District.
(Crime.No.13 of 2022.)

... Respondent / Complainant

For Petitioner : M/s. Gopinath S T, 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.13 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 468, 471 and 34 of I.P.C., in Crime No.13 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have created forged documents and sold the property to various persons, which belongs to the de-facto complainant. Hence, the case.

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

4.There are totally three accused involved in this case and the petitioners/A1 and A2 are arrayed as A1 and A2. The second petitioner/A2 has



already been arrested and released on bail and as such, the petition has become infructuous as against the second petitioner/A2 is concerned. Hence, this petition is dismissed as infructuous insofar as the second petitioner/A2 is concerned.

5.As far as the first petitioner is concerned, he sold out the property to various persons, which belongs to the de-facto complainant, to an extent of 31 cents in R.S.No.104/17 and 104/18 situated at Olaiyur Village, Trichy.

6.The learned counsel for the petitioners would submit that the petitioners had negotiated with the de-facto complainant, since the property was already sold out to various persons and as such, they have to settle the amount. Therefore, the petitioners are ready and willing to give alternate land. However, the de-facto complainant does not agree for that.

7.Considering the above facts and circumstances, this court is inclined to grant anticipatory bail to the first petitioner with certain conditions:

8.Accordingly, this petition is allowed insofar as the first petitioner is concerned and the first petitioner shall deposit a sum of Rs.30,00,000/- (Rupees Thirty Lakhs Only) to the credit of Crime No.13 of 2022 before the learned Judicial Magistrate, Additional Mahila Court (Incharge) Special Court for Anti Land Grabbing, Trichy, without prejudice to his rights and contentions.

9.On such deposit being made, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date on which the order copy made ready, before the learned Judicial Magistrate, Additional Mahila Court (Incharge) Special Court for Anti Land Grabbing, Trichy, on condition that the first 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 first 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 first petitioner 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 first petitioner shall not tamper with evidence or https://www.mca.gov.in/ further during investigation or trial.



[d] the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first petitioner 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/-

08/03/2023

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

SJI

To

1. The Judicial Magistrate,
Additional Mahila Court (Incharge)
Special Court for Anti Land Grabbing, Trichy.

2. Do-Through The Chief Judicial Magistrate,
Trichy District.

3. The Inspector of Police,
District Crime Branch, Trichy District.

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

+1 CC to M/s.S.T.GOPINATH, Advocate (SR-3969[I] dated 10/03/2023)

ORDER

IN

CRL OP(MD) No.9198 of 2022

Date :08/03/2023

ED/SBN/SAR-4 (21/03/2023) 3P 6C