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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/04/2023

PRESENT

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

CRL OP(MD) . No.7373 of 2023

Johnson Kumar

... Petitioner/Accused No.1

Vs

State rep., by
The Inspector of Police,
District Crime Branch,
Trichy District.
(Crime No.22 of 2022)

... Respondent/Complainant

For Petitioner : Mr.K.P.S.Palanivelrajan, Advocate
for Mr.S.Vinayak, Advocate
For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

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

PRAYER :-

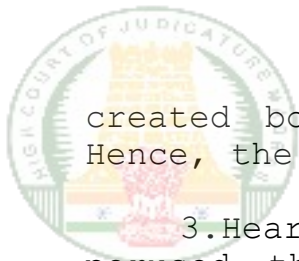
For Anticipatory Bail in Crime No.22 of 2022 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 420, 467, 468, 471 and 34 of I.P.C., in Crime No.22 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father Mariyappan was having 3 wives namely Pangachammal, Pragalammal, Dhanabackiyammal and they have no right over the subject property, the same was in possession and enjoyment of said Mariyappan during his lifetime. After his dead, the defacto complainant and his siblings got right over the ancestral coparcenary property and jointly enjoying the same. The two wives of said Mariyappan namely Pangachammal and Pragalammal have not disputed the property during their lifetime. The third wife of Mariyappan, without any right over the subject property, filed a suit and the same was dismissed by the trial Court. Thereafter, she

<https://www.judis.tn.gov.in/judis>



created bogus deeds of coparcenary property and got registered. Hence, the complaint.

3. Heard the learned counsel appearing on either side and perused the materials available on record, including the First Information Report.

4. It is seen that already civil suit is pending on the file of the Subordinate Court, Lalgudi, in respect of the subject property, that apart the petitioner purchased the subject property from A2. A3 is named to be a owner of the property and she executed power of attorney in favour of A2, who in turn executed sale deed in favour of the petitioner. The learned Additional Public Prosecutor submitted that already the petitioner involved similar offences. On perusal of the record it is revealed that other two cases, the petitioner was granted anticipatory bail by this Court. That apart, the FIR has been registered pursuant to the direction issued by the learned Magistrate under Section 156(3) of Cr.P.C. Considering the facts and circumstances of the case and also the allegations are civil in nature, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 Court for Land Grabbing, Trichy, 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 the 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 respondent Police, daily at 04.00 p.m., for a period of two weeks and thereafter, as and when required for interrogation.

[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 Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

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

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To

- 1 THE JUDGE, SPECIAL COURT FOR LAND GRABBING, TRICHY.
 - 2 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, TRICHY DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.VINAYAK, Advocate (SR-6232[I] dated 20/04/2023)

ORDER
IN
CRL OP(MD) No.7373 of 2023
Date :20/04/2023

RS/SSS/SAR-3(27.04.2023) 3P 5C