



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

PRESENT

WEB COPY

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

CRL OP(MD). No.11250 of 2022

1. Ramkumar,
2. Suyambukani,
3. Rathidevi, ... Petitioners/Accused No.1 to 3

Vs

1. The State rep.by,
The Inspector of Police,
District Crime Branch,
Thoothukudi District.
(Crime No.5 of 2022).

2. Abraham Rajasekar,

(R2 suo motu impleaded vide order
dated 26/7/2022)

... Respondents/Complainants

For Petitioner : M/s.Sivabalan K,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervenor : Mr.V.Raju Rutus

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

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2022 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
120(B), 465, 468, 471 and 420 IPC, in Crime No.5 of 2022 on the file
of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioners, at having any valid title, had illegally created the documents with regard to the de-facto complainant's property. Hence, the case.

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

4.It is seen that the petitioners 1 and 2 are husband and wife and the third petitioner is the daughter of the petitioners 1 and 2. The case of the de-facto complainant is that by using his patta, the first petitioner had executed a settlement deed in favour of the second petitioner, who in turn, had executed settlement deed in favour of the third petitioner. Thereafter, the third petitioner had executed a sale deed in favour of the second petitioner. Now both are claiming title over the property. Therefore, the entire allegations are civil in nature. However, in order to prove their *bona fides*, the petitioners are ready and willing to deposit all the settlement deeds and the sale deeds to the credit of crime number before the learned Magistrate.

5.Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6.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 (Land Grabbing Special Court), Thoothukudi, 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 deposit all the original documents in pursuant to the subject property to the credit of Crime No.5 of 2022 before the learned Magistrate concerned, without prejudice to their rights and contentions, at the time of furnishing sureties.

[c] the first petitioner shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation; and the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.



[e] the petitioners shall not abscond either during investigation or trial.



[f] 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].

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

sd/-
08/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE
(LAND GRABBING SPECIAL COURT), THOOTHUKUDI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 3. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THOOTHUKUDI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC TO M/S.K.SIVABALAN, ADVOCATE SR.NO.3817. dt.09/03/2023.
- +1. CC TO M/S.V.Rajiv Rufus, ADVOCATE SR.NO.3850. dt.09/03/2023.

ORDER
IN
CRL OP(MD) No.11250 of 2022
Date :08/03/2023

SI/CG/SAR-1(21.03.2023) 3P/7C