



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.06.2023

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PRESENT

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

CRL OP(MD)No.10121 of 2023

M.Jayaprakash

... Petitioner/Accused No.3

Vs

State Rep.by
The Inspector of Police,
District Crime Branch,
Dindigul District.
(Cr.No.15 of 2023)

... Respondent/Complainant

For Petitioner : Mr.M.Anbarasi, 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.15 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 419, 467, 468, 471 and 120B IPC in Crime No.15 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant owned property in S.No.388/A3 to the extent of 52 cents and the said property was impersonated by one Rathinam and his siblings. Thereafter, they executed settlement deed in favour of one Nagaraj and he was sold the subject land to the petitioner herein. Hence, the case.

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

4.It is seen that the defacto complainant owned the subject property. A2 impersonated and forged the signature of the defacto complainant and executed settlement deed in favour of A1. A1 in



turn, executed sale deed in favour of the petitioner herein is also seen that A1, A2 and the defacto complainant are family members and there was dispute between them. Insofar as the petitioner herein is concerned, he is subsequent purchaser and he is nothing to do with the crime as alleged by the prosecution.

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5. Considering the facts and circumstances of the case, 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 Special Court for Land Grabbing Cases, Madurai, 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 respondent Police, daily at 10.30 A.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].

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

sd/-

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

gns

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



TO

1 THE JUDGE, SPECIAL COURT FOR LAND GRABBING CASES, MADURAI.

2 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.ANBARASI, Advocate (SR-8626[I] dated 13/06/2023)

ORDER

IN

CRL OP(MD) No.10121 of 2023

Date :09/06/2023

RS/CG/SAR-(19.06.2023) 3P 5C